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

A Report  
to the National Institute of Justice

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**TABLE OF CONTENTS**

<b>ABSTRACT</b> . . . . .	vii
<b>ACKNOWLEDGMENTS</b> . . . . .	ix
<b>Preface</b> . . . . .	1
<b>1. Prison Quality and the Confinement Model</b> . . . . .	5
The Confinement Model of Imprisonment . . . . .	5
From Goals and Outcomes to Missions and Standards . . . . .	6
Dimensions of Quality of Confinement . . . . .	7
<b>2. The New Mexico Study: Background, Data, and Methodology</b>	13
Background . . . . .	13
Study Design . . . . .	13
Using a Federal Prison as a Third Point of Comparison . . . . .	16
Data Sources . . . . .	18
Qualitative Data . . . . .	18
Surveys of Staff and Inmates . . . . .	19
Institutional Records . . . . .	21
Methods and Measures of Comparison . . . . .	22
The "Quality Index" Summary Measure . . . . .	27
<b>3. Security ("Keep Them In")</b> . . . . .	29
Security, General . . . . .	29
Security Procedures . . . . .	32
Drug Use . . . . .	34
Significant Incidents . . . . .	35
Community Exposure . . . . .	37
Freedom of Movement . . . . .	37
Staffing . . . . .	38
Summary . . . . .	39
<b>4. Safety ("Keep Them Safe")</b> . . . . .	41
Safety, General . . . . .	41
Inmate Safety . . . . .	42
Staff Safety . . . . .	45
Dangerousness of Inmates . . . . .	47
Safety of Environment . . . . .	49
Staffing Adequacy . . . . .	51
Summary . . . . .	53
<b>5. Order ("Keep Them in Line")</b> . . . . .	55
Order, General . . . . .	55
Inmate Misconduct . . . . .	56
Staff Use of Force . . . . .	59
Perceived Control . . . . .	60
Strictness of Enforcement . . . . .	63
Summary . . . . .	65

6. Care ("Keep Them Healthy") . . . . .	67
Care, General . . . . .	68
Stress and Illness . . . . .	70
Health Care Delivered . . . . .	72
Dental Care . . . . .	75
Counseling . . . . .	76
Staffing for Programs and Services . . . . .	77
Summary . . . . .	80
7. Activity ("Keep Them Busy") . . . . .	83
Activity, General . . . . .	83
Work and Industry Involvement . . . . .	85
Work and Training Evaluation . . . . .	87
Education Involvement . . . . .	89
Education Evaluation . . . . .	90
Recreation . . . . .	94
Religious Services . . . . .	96
Summary . . . . .	96
8. Justice ("Do It Fairly") . . . . .	99
Justice, General . . . . .	99
Staff Fairness . . . . .	103
Limited Use of Force . . . . .	107
Grievance Volume . . . . .	108
The Grievance Process . . . . .	110
The Discipline Process . . . . .	112
Legal Resources and Legal Access . . . . .	115
Justice Delayed . . . . .	116
Summary . . . . .	118
9. Conditions ("Without Undue Suffering") . . . . .	121
Conditions, General . . . . .	122
Crowding . . . . .	125
Social Density and Privacy . . . . .	127
Internal Freedom of Movement . . . . .	129
Facilities and Maintenance . . . . .	131
Sanitation . . . . .	132
Noise . . . . .	134
Food . . . . .	136
Commissary . . . . .	137
Visitation . . . . .	140
Community Access . . . . .	142
Summary . . . . .	143
10. Management ("As Efficiently as Possible") . . . . .	145
Management, General . . . . .	145
Job Satisfaction . . . . .	147
Stress and Burn-out . . . . .	150
Staff Turnover . . . . .	151
Staff and Management Relations . . . . .	152
Staff Experience . . . . .	157

Education . . . . .	159
Training . . . . .	159
Salary and Overtime . . . . .	161
Staffing Efficiency . . . . .	163
Summary . . . . .	165
11. Summary Measures and Models . . . . .	167
Ranking the Private, State, and Federal Prisons . . . . .	167
Rankings by Prison Quality Index Scores . . . . .	171
Two Models . . . . .	176
Sensitivity of Results to Data Source . . . . .	178
Summary and Conclusion . . . . .	183
<b>APPENDIX A - Detail Tables . . . . .</b>	<b>187</b>
<b>APPENDIX B - COMPARISON &amp; SUMMARY TABLES FOR ALL EIGHT DIMENSIONS . . . . .</b>	<b>229</b>
<b>Appendix C - A Note on Costs . . . . .</b>	<b>281</b>
<b>APPENDIX D - PRÉCIS OF CONSULTANTS' SITE VISIT REPORTS . . . . .</b>	<b>283</b>

## ABSTRACT

This study compared the quality of confinement in (1) a privately operated women's prison, (2) the state-operated version of that prison the year before, and (3) a federal prison for women. Quality of confinement was defined and measured along eight dimensions: security, safety, order, care (mostly medical), activity (programs), justice, living conditions, and management. Data from institutional records and surveys of inmates and staff produced 333 empirical indicators of the eight dimensions of quality for the state and private prisons, 131 of which were available also for the federal prison. Results of all possible pairwise comparisons between prisons were summarized, for each prison on each dimension, in a comparative score called the Prison Quality Index. Qualitative data from survey comments and from site visits by two consulting experts were used to supplement and interpret the quantitative results.

The private prison outperformed its state and federal counterparts on all dimensions except Care (where the state scored slightly higher) and Justice (where the federal prison matched the private). The conclusion was that both the state and private prisons were good quality institutions, using the federal prison as a standard of good quality, and each prison had different areas of strength and weakness. However, on most dimensions, the state was able to improve the quality of confinement for its female felons by contracting for the private operation of their prison.

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Finally, by shamelessly exploiting their generosity and friendship, I was able to recruit, not one, but two, of the nation's top academic experts on corrections, Dean Charles W. Thomas at the University of Florida and Professor John J. DiIulio, Jr. in the Woodrow Wilson School at Princeton University, to serve as consultants to my project and to conduct site visits at the state and private prisons. Thomas and DiIulio are among the leading proponents and opponents, respectively, of prison privatization, and thus brought very different perspectives to the reports in which they subjectively evaluated each of the New Mexico prisons. Those reports were irreplaceable sources of insight to supplement my own observations when interpreting the data, and are woven in throughout the text. In addition, a précis of their reports is contained in Appendix D.

## Preface

This research has two purposes. At the most concrete level, it is an effort to compare public versus private operation of a women's prison in New Mexico, against each other and against a federal women's prison as a third point of reference. The fact that these are women's prisons is incidental. The basic question, which no single study can hope to answer, is whether privatization makes prisons "better" or "worse." This leads to the second, and more general, purpose of the volume. As a first step toward the comparative evaluation of prisons, an attempt will be made to specify the essential mission of a prison and to identify normative criteria and empirical measures appropriate to that mission.

This study is not a "cost-benefit" analysis, for it has little to say about either costs or "benefits," in an economic or, more broadly, utilitarian sense. One might think that economic concepts like costs and benefits would be particularly appropriate to the study of a prison that is now being run as a business. However, for reasons both pragmatic and philosophical, those concepts are not central to this comparative evaluation of the public and private operation of New Mexico's prison for women.

The cost of operating the Western New Mexico Correctional Facility during the last year in which it held the state's female felons was estimated by the New Mexico Corrections Department (NMCD) to be \$80 a day per inmate. The fee paid to Corrections Corporation of America the following year for operation of the company's newly constructed CCA-New Mexico Women's Correctional Facility was \$69.75. A brief note on costs in Appendix C describes what is included in these figures, but beyond that I have included no further cost analysis in this report, for at least a couple of reasons. First, it was clear from the beginning of this project that with the time and resources available it would not be possible to conduct a very thorough examination of costs. Because corrections involves so many indirect, inter-agency, and other "hidden" costs that are not easily identifiable in a correctional agency's budget, it is very difficult and time-consuming to do a proper cost study. I therefore felt it would be better to provide a simple set of cost figures that were admittedly superficial, than to present a seemingly--but perhaps misleadingly--more detailed analysis. Second, it was my understanding that the NMCD has plans to conduct a cost comparison of its own. Not only are they in the best informed position for such a study, they are also more likely to be objective about the question of costs than about the relative quality of state versus private operations; thus, an outside investigator has more to offer in the latter than in the former area.

On the "benefit" side of a cost-benefit approach to the comparative evaluation of prisons, the problems are more philosophical than pragmatic. Measuring the "benefits" in a cost-benefit calculation strongly implies a controversial utilitarian justification of imprisonment, which is avoidable if we focus instead on the alternative concepts of "value" or "quality." In Chapter 1, I present the details of a nonutilitarian framework for the evaluation of a prison. Here, let me just contrast the perspective of most social science evaluation researchers with the viewpoint of a court-appointed special master for a prison system.

Social scientists generally conduct evaluation research from a utilitarian point of view. When asked to evaluate a prison, they want to know: Does it work? Is it effective at achieving some goal? Usually, the goal social scientists have in mind is rehabilitation, but sometimes they also ask whether prisons are effective at other (equally utilitarian) goals, such as deterrence or incapacitation.

In contrast, when a special master, who is usually a lawyer rather than a social scientist, evaluates a prison it is mostly from a formalistic rather than a utilitarian perspective. That is, the prison and its activities are examined not as means to an end (rehabilitation or crime control) but in terms of standards and criteria of "proper" performance or conduct in fulfillment of duty. Consider this statement by a prominent prison master:<sup>1</sup>

In summary, the ideal prison provides basic human services in a decent and healthful physical environment. Such a prison abjures idleness and its consequent human deterioration by offering constructive employment, programming, and recreational activities to the greatest extent possible; it addresses the human needs of prisoners for self-expression, faith, and maintenance of ties of importance to all human beings; it ensures safety from random violence, rape, and exploitation of the weak by the strong; it insulates decisions affecting the lives of prisoners from arbitrary chaos by adhering to due process of law; and it infuses the institutional environment with constructive expectations through use of positive incentives for hard work and good behavior.

That is not a bad statement of the mission of a prison, and it is probably one with which most correctional officials could agree. Note that it does not focus on ultimate goals, such as treatment or punishment, but on a set of abstract values and

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<sup>1</sup>Vincent M. Nathan, "Correctional Health Care: The Perspective of a Special Master," The Prison Journal, vol. 65, No. 1 (Spring-Summer, 1985), pp. 73-82, at p. 76.

normative criteria against which to evaluate the day-to-day operation of a prison.

Can social scientific methods of empirical research be applied to the problem of comparing and evaluating prisons in terms that are normative and nonutilitarian? More specifically, can such research answer the question: How does a privately-operated prison compare to a government-operated prison in terms of "quality"? That is the challenge taken up by the research to be described in this volume.

## 1. Prison Quality and the Confinement Model

If we wish to evaluate and compare prisons, it is obvious what we must do first. We must determine what it is that prisons are supposed to do. From the beginning, in other words, our task is almost impossible, because prisons are asked to pursue numerous and conflicting goals, which are as difficult to define as they are to achieve.

Prisons are asked to correct the incorrigible, rehabilitate the wretched, deter the determined, restrain the dangerous, and punish the wicked. They are asked to take over where other institutions of society have failed and to reinforce norms after they have been violated or rejected. They are asked to pursue so many different and often incompatible goals that they are virtually doomed to fail. Indeed, it may be part of their function to fail, and thereby to serve as a scapegoat.

Unless we really do want prisons to fail, we must assign to them a function that we might reasonably expect them to fulfill. Further, this function ought to be fairly narrow and consistent in scope, and it ought to be special to prisons and not conflated with the functions of other social institutions such as schools or welfare agencies. It ought also to be achievable and measurable mostly within the prison itself. This last requirement pretty much rules out crime control and rehabilitation, at least as criteria for evaluating individual prisons, if not as goals of imprisonment generally.

### The Confinement Model of Imprisonment

Imprisonment is commonly justified as serving any of four major purposes: rehabilitation, deterrence, incapacitation, and retribution. The first three of these are utilitarian goals, and are aimed at achieving results primarily outside of prison, rather than inside. That is, although the results may be accomplished as a result of what goes on inside prison, and may in fact occur internally as well as externally, the principal measure of their achievement is in terms of crimes avoided outside of prison. Only retribution--a nonutilitarian or moral purpose to be pursued in and of itself--can be measured entirely in terms internal to the administration of the penal sanction. It is also the only purpose that focuses mainly on the actions of society's agents, rather than on the responses of offenders.

The criteria that will be proposed here for comparative evaluation of prisons are based on fairly consistent adherence to a purely retributive philosophy of punishment. In this philoso-

phy, 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.

I refer to this perspective as the "confinement model" of imprisonment, rather than the "justice model" or the "punishment model," in order to emphasize the means rather than the ends. While confinement may serve purposes other than justice and punishment, those are the necessary and sufficient conditions for its justification. Thus the term, "confinement model," may be thought of as a shortened version of a clumsier but more explicit label: the "doing-justice-through-confinement-as-a-form-of-punishment model." Alternative models would be the "crime control" models of deterrence and incapacitation, the "rehabilitation model," and, of course, the usual "mixed" or "all-purpose" model.

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 prison 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.

#### 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 prisons, 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 confinement provided in any particular prison: Security, Safety, Order, Care, Activity, Justice, Conditions, and Management.

1. Security ("keep them in"). A secure facility is one that is impervious in either direction, outward or inward. Escapes are an obvious indicator of a lack of security, but inward penetration, of drugs or other contraband, also represents a breakdown of external security. Internal security would include control over movement of prisoners within the prison and control over internal movement of contraband, such as food or silverware from the dining hall, drugs from the infirmary, or tools from workshops.

2. Safety ("keep them safe"). Inmates and staff need to be kept safe, not only from each other but from various environmental hazards as well. Thus, measures of safety would include assault statistics, safety inspection results, and accidental injury reports.

3. Order ("keep them in line"). Prisons run on rules, and the ability of prison administrators to enforce compliance is central

to the quality of confinement. Allowing for variation in the nature of their populations, it seems proper to evaluate prisons according to their ability to prevent disturbances, minimize inmate misconduct, and otherwise preserve order inside their walls.

4. Care ("keep them healthy"). I use the term "care" rather than "service" to cover the ministrations of such personnel as doctors, dentists, psychiatrists, psychologists, and dieticians. The distinction is primarily one of degree and entitlement. Convicts are entitled only to a very basic, minimal level of personal care consistent with the principle that it is not the purpose of imprisonment to inflict physical suffering. At a minimum, prisons have an obligation to try to prevent suicide, malnutrition, exposure to the elements, and the spread of contagious diseases. Beyond the level of very basic care, however, the simple fact of confinement does not entitle convicts to levels of service or to degrees of personal welfare that exceed what they are able to obtain with their own resources. Therefore, when rating prisons on this dimension an evaluator might choose not to make distinctions beyond a certain level.

5. Activity ("keep them busy"). When evaluating prisons under a rehabilitation model, heavy emphasis is usually given to inmate programs; under a confinement model, programs are still relevant, but on a different basis. Programs can be classified into five different types: work, training, education, recreation, and therapy. All five types are relevant under a confinement model but in each case any rehabilitative effect a program might have is not directly relevant to its evaluation. Therapeutic programs are so closely associated with the rehabilitative ideal that they are difficult to recast in terms of the confinement model. They can, however, be offered as a form of "care," and evaluated according to the principles discussed under that dimension. Programs of the other three types should be judged according to how much opportunity they provide inmates to engage in constructive activity or enterprise.

"Constructive" activity is not defined here as "contributing to the betterment of inmates" but as activity that is, on its face, consistent with the orderly, safe, secure, and humane operation of a prison. Idleness and boredom can be seen as wrong in themselves, from a work ethic standpoint, or as so fundamentally related to mischief as to be undesirable for that reason. Either way, prison programs of work, training, and education should be evaluated under the confinement model as forms of

constructive activity and as antidotes to idleness, not as methods of rehabilitation.<sup>1</sup>

Under a rehabilitation regime, work, education, and training are seen as benefits that are offered to prisoners, or even forced upon them, in the hope that this will make them better and more law-abiding citizens. Under the confinement model, work, education, and training are not benefits; they are opportunities, available to prisoners who are willing to make productive use of them. Ideally, prisons would have, or would fit into, an economy in which inmates could earn money by producing goods and performing services having real value. Inmates might then seek education and training, not to impress a parole board or a prison counsellor, but to be able to perform a more valuable and higher paying job.

The availability of opportunities for education and employment can offset some of the austerity of a prison organized around a strict confinement model. Amenities, privileges, and benefits that might be justified under a rehabilitation model as a worthwhile investment of taxpayers' money should not be provided free to prisoners under a confinement model. Some prisoners, however, might choose to purchase them at their own expense. Examples would include higher education, entertainment, and medical, dental, or psychological services beyond the minimal levels entailed in the confinement model.

Some people believe that enterprise and constructive activity should be more than just opportunities available to prisoners; they should be obligations as well. Offenders should be held financially as well as morally responsible. Thus, prisoners should be required to work, to make restitution to their victims, to support their families, and to pay something toward the cost of their incarceration. Financial responsibility is not inconsistent with the confinement model, and could therefore be included under the dimension of activity. However, it is independent of, rather than integral to, a prison's primary mission of confinement-as-punishment.

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<sup>1</sup>While a confinement model may sometimes be in conflict with a rehabilitation model, this is more a matter of different priorities, rather than opposing goals. In the confinement model, it is desirable to keep inmates constructively busy, quite apart from the question of whether that does them any rehabilitative good. That does not mean, however, that it does not matter from some other perspective whether the programs have any rehabilitative effect. It would be very nice if prison programs had rehabilitative effects. However, when we say that the primary purpose of prison is to punish through confinement, we become more interested in the operation of these programs inside the prison gates and less concerned about their effects beyond.

6. Justice ("do it with fairness"). In evaluating the quality of justice within prisons, the propriety of the sentence may be taken for granted; what remains to be judged is the fairness with which the sentence is administered. Stated more broadly, governing with justice requires adherence to the rule of law inside prisons just as it does on the outside. Rules ("laws") must be clear, sanctions for their violation must be specified in advance and applied consistently, enforcement and adjudication must follow due process, and there should be provisions for independent review of decisions. Relevant to this dimension would be procedures and practices in imposing discipline and allocating good time, grievance procedures, availability of and access to legal resources, and inmate perceptions of the fairness and legitimacy of rules and their enforcement.

7. Conditions ("without undue suffering"). A confinement model obviously requires some evaluation of the conditions of confinement. This broad term would include such things as population density, food, clothing, bedding, noise, light, air circulation and quality, temperature, sanitation, recreation, visitation, and communication with the outside. As with the dimension of "care," evaluation of living conditions and quality of life should not be completely open-ended (the more the better, without limits). In principle, this dimension is curved, so that differences imply improvements at the lower end but have declining or even negative merit ("too good for them") above some higher point; however, most prisons today probably lie along the middle range of this dimension, where comparison can be linear.

8. Management ("as efficiently as possible"). Quality of management is probably the single most important source of variation in the first 7 dimensions of quality of confinement. As such, there may be some redundancy in evaluating management as, itself, a separate component of prison quality. However, it is better to over-measure than to under-measure, and many management variables bear a strong enough presumptive relationship to overall quality of institutional operation that they can be used as indicators of otherwise hard to measure concepts. For example, such management-related variables as staff morale, absenteeism, and turnover are visible reflections of institutional stress and tension. Training levels may be both a cause of quality (through increased staff competence) and a result of quality (as a product of institutional concern with proper procedure in treatment and discipline of inmates). Thus, various sorts of management information can be used as a measure as well as an explanation of confinement quality. Good management is also a legitimate end in itself. The public has an interest in seeing that the money it spends on imprisonment is not wasted, through over-staffing, high turnover, or other management-related problems.

These eight dimensions--security, safety, order, care, activity, justice, conditions, and management--are appropriate concerns

of prison professionals under the "confinement model" of imprisonment, and therefore constitute relevant focal points when evaluating the quality of a prison. By assessing various measures 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 overall fulfillment of the missions and the standards of the confinement model of incarceration. This study will attempt such a comparison, in order to evaluate the differences and the consistencies that occur when private sector management is effected in a prison, versus the more traditional state management.

## 2. The New Mexico Study: Background, Data, and Methodology

### Background

In 1988, the President's Commission on Privatization issued a report in which it recommended, among other things, that "proposals to contract for the administration of entire [correctional] facilities at the federal, state, or local level ought to be seriously considered."<sup>1</sup> One of the Commissioners issuing that advice was Garrey Carruthers, then Governor of New Mexico. He must have followed his own counsel, because 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 was divided administratively into the Correctional Center for Women (CCW) and the Reception and Diagnostic Center (RDC) that served as the intake point for all state prisoners, male and female. The purpose of the new contract was to provide the women with their own facility, to be located in Grants, New Mexico, the same town as WNMCF.

On June 5, 1989, the entire female resident population at WNMCF was transferred to the newly opened CCA-New Mexico Women's Correctional Facility. This study compares the privately operated prison during its first six months of operation (June through November of 1989) with the state-run Correctional Center for Women at WNMCF during the same six months the year before (June through November of 1988).

### Study Design

The basic design of this study is a before-and-after comparison of New Mexico's women's prison: (1) as administered by the state in 1988, versus (2) as administered by a private company in 1989. The study is meant to be primarily descriptive rather than causal. In comparing the prison before and after the change in

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<sup>1</sup>Privatization: Toward More Effective Government--Report of the President's Commission on Privatization (Washington, DC: Government Printing Office, March 1988), p. 150.

type of administration, differences will be noted, measured, described, and evaluated. Strictly speaking, it will not be possible to attribute the differences specifically to the change of administration, as a proven matter of cause and effect. This point will be emphasized more than once in discussion of the findings and when drawing conclusions. However, having made the hard logical point that post hoc is not (necessarily) propter hoc, it may still be permissible to draw some "soft" policy inferences, or to use language that carries a soft causal implication without making a strong causal claim.

A before-and-after study can document differences that are correlated in time with a certain event, such as a change in prison administration. It may then be reasonable, even if not perfectly logical, to assume that some of those differences are probably associated with that change through more than just coincidence. The greater the comparability between the "before" and "after" prisons on contextual factors and control variables (i.e., conditions that are likely to affect the quality of imprisonment independently of the effect of type of administration), the more reasonable such an assumption becomes.

One threat to the comparability of the state and private prisons is the difference in their age and architecture. The state-run prison was replaced by one that was not only privately run, but also newer and much better designed. Certain changes in performances could relate more to this change in architecture than to the change in administration from public to private.<sup>2</sup> It should be noted, however, that the state prison, while not brand new like the private prison, was only four years old at the time it was studied. That is not old enough for age to be a very significant variable. As for physical design, there is no denying that it is a crucial determinant of quality of confinement and that its effects may be independent of the prison's administration. At the same time, the design itself is not completely independent of the origin, ownership, and administration of the prison. Private prison companies have greater flexibility than the state in facility design and construction, so differences therein may be counted as concomitant to the mode of administration.

A related but different threat to comparability, and one that is probably inherent in a before-and-after design, is the fact that we are comparing a long-established prison program with one that is just starting up. Whatever the mode of administration, any new operation can expect a period of adjustment in which

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<sup>2</sup>This will be noted when relevant findings are described. Some of the measures are specifically designed to capture the effects of architecture on various performance or quality measures, such as security, safety, and conditions of confinement.

routines are established, policies are worked out and revised, and challenges to authority are weathered. Some consequences of newness--such as enthusiasm of staff or the cheerfulness of fresh paint--are positive, but probably most are at least temporary impediments to smooth operation. Either way, this factor must be kept in mind when interpreting differences found between the state and private prisons.

In contrast to those just described, there are at least three contextual factors that enhance, rather than undermine, the comparability of the state and private prisons. Because they strongly affect the character of imprisonment in New Mexico, but did not change significantly from 1988 to 1989, these factors serve as methodological controls that enhance the validity of the before-and-after design. The three factors are: judicial supervision of New Mexico prisons, commitment to American Correctional Association standards, and continuity in the character of the inmate population.

The most pervasive control condition is the fact that all prisons in New Mexico with above-minimum security (which would include the women's prison) are subject to an extremely comprehensive and detailed court order, referred to hereafter as the Duran consent decree, or just Duran.<sup>3</sup> This decree dictates procedures, standards, and goals covering virtually every aspect of imprisonment: living conditions; food service; classification; inmate discipline and sanctions; legal access (law library, attorney visits); general visitation; correspondence; inmate activity and programs; medical, dental, and mental health care; and staffing and training. Every New Mexico prison under the court order has a full-time, in-house compliance monitor whose primary if not sole responsibility is to help secure or maintain conformity to the decree.

The effect of Duran and its continuous monitoring is to standardize the policies, expectations, and criteria for compliance across all of the state's higher security institutions. This strengthens the design of a before-and-after comparison by holding constant a strict legal climate within which both the old and the new prison must operate. It helps ensure an apples-to-apples comparison by defining the basic mission of each prison in the same terms: to provide confinement and services to prisoners in compliance with the specifications of Duran.

A second control condition is created by the fact that both prisons, during the reference periods of this study, were working for accreditation by the American Correctional Association (ACA).

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<sup>3</sup>From the court order regarding the case of Duran v. Apodaca, signed 7-14-80 by Judge Santiago E. Campos of the U. S. District Court for the District of New Mexico.

Like Duran, the ACA standards provide for comparability of aims, against which to measure achievements. One difference on this score is that the state prison was far advanced in its preparations for the ACA audit--ready, in fact, for a dry run--during its reference period, whereas the private prison was just beginning its ACA preparations, along with its total operation. In other words, the state prison had a head start, but what is important for methodological comparability is that they were running the same sort of race.

A final source of comparability is continuity in the composition of the inmate population. Despite significant growth and turnover,<sup>4</sup> the inmate population in 1989 was very similar in profile to the population in 1988 (see Appendix A, Table 3). The population did not change much in age, ethnicity, commitment offense, prior commitments, or lengths of sentences served and remaining. There was a small shift in the custody mix, marked by an increase in minimum custody (from 22% to 39%) along with decreases in medium custody (from 62% to 55%) and unclassified (from 16% to 6%). This shift might reflect either changes in classification patterns, changes in behavior inside the prison, or the small shift in commitment offenses away from violence and toward property crimes. In any case, the change is not big enough to make the two populations, and therefore the two prisons, unfit to compare.

#### Using a Federal Prison as a Third Point of Comparison

A before-and-after design, despite the problems discussed above, is superior in most respects to the use of a noncontemporaneous, nonrandom, and only partially matched comparison group. And yet, the addition of such a group to a before-and-after comparison can still be useful, because it allows things to vary that are presumed to be controlled in the before-and-after situation. The comparison of two relatively matched groups, which are assumed to be similar in important respects apart from the experimental variable of interest, is put into better perspective by adding as a third point of comparison an unmatched group that is of the same general type but known to be very different in important ways. By this logic, adding a federal women's prison to the analysis should help put into perspective the state-vs-private comparison that is the central focus of this study.

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<sup>4</sup>As shown in Appendix A, Table 5, the average daily population increased from 144 in 1988 to 170 in 1989 (but rated capacity also increased, from 133 to 204). The total six-month population (i.e., offenders resident at some point during the six-month reference period) increased from 230 to 245.

Federal prisons are regarded by many correctional experts as among the best-run institutions in the country. Fifty-eight percent of federal prisons in 1989 held certificates of accreditation from the American Correctional Association.<sup>5</sup> This compares favorably to the twenty-six percent of all prisons (including federal) in 1989 that had such accreditation.<sup>6</sup> These figures are offered not as proof that federal prisons are ideal models but as support for a more modest proposition: that a federal women's prison provides a reasonable example of a "good" prison against which to compare both the private and the state version of New Mexico's women's prison. One of the federal prisons accredited by the ACA is the Alderson women's prison.

In 1988, the Federal Correctional Institution at Alderson, West Virginia was the oldest and, with a rated capacity of 609, the largest prison for women in the federal system. It was a multi-security facility until Fall, 1988, when it changed to minimum security only. In May, 1988, prior to its mission change, a survey nearly identical to the one used in this study was administered to staff (but not inmates) at Alderson. That survey, along with official records data pulled later from a longitudinal database in the Bureau's central office, made it possible to compare Alderson (for the six months ending with May 1988) to Western New Mexico (for June - November 1988) and to CCA-New Mexico (for June - November 1989).<sup>7</sup>

The comparability of the New Mexico prisons on contextual and control variables is highlighted by their contrast to the federal prison. The jurisdiction is different, of course, which means a difference in correctional policies, in staff training, and in some legal requirements. The federal prison was not governed by the Duran decree, though many of the elements of Duran come from ACA standards, which all three prisons were committed to following. The federal prison was much larger and very much older, having been opened in 1927. Finally, the inmates at Alderson were considerably different from those in New Mexico (see Appendix A, Tables 3 and 4). The federal inmates were an average of two or three years older, half as many were Hispanic, twice as many were black, and fewer were in for crimes against person or

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<sup>5</sup>Another four were in the process of accreditation. (Count based on listings in Facilities 1990, a Bureau of Prisons publication.)

<sup>6</sup>Based on separate data showing 235 adult correctional institutions accredited, and 902 total state and federal prisons (excluding community facilities). See George M. and Camille Graham Camp, The Corrections Yearbook 1989 (South Salem, NY: Criminal Justice Institute, 1989), pp. 21-22, 33.

<sup>7</sup>If there is seasonal variation in any of the measures used in this study, this difference of reference periods would be one source of noncomparability. Other such sources are discussed in the text that follows.

property while drug offenders were more than twice as prevalent. Both sentence length and time served were much longer for the Alderson inmates, but more of them were serving their time under the classification of minimum security.

These differences between the two New Mexico prisons, on the one hand, and the federal prison on the other, are useful. They allow us to compare any differences that are associated with privatization in New Mexico to differences that stem from a variety of other, uncontrolled factors.

### Data Sources

Empirical measures and indicators of prison confinement quality can be based on surveys of staff and inmates, on institutional records, and on qualitative types of data, such as field observations and interviews during site visits. This study includes measures from all of these sources of data.

### Qualitative Data

"Prison quality" sounds like an inherently subjective concept requiring purely qualitative data collection techniques. And yet, the goal of this research is to measure that concept as objectively as possible and to quantify the results. Qualitative data sources, therefore, though listed first here, do not take center stage. Rather, I will be using qualitative observations from several sources to illustrate and to interpret the quantitative findings.

The primary source of qualitative observations is a series of site visits made to the two New Mexico prisons by myself and two consultants: Charles Thomas, a criminology professor and an associate dean at the University of Florida, and John J. DiIulio, Jr. a political science professor at Princeton University. These two experts, each of whom has a distinguished record of research in corrections, are scholars of the highest competence and integrity. However, on the theory that none of us is totally without bias, and that the best approach to objectivity is through balance and inter-subjectivity, these two were asked to participate in part because they view the issue of prison privatization from completely different perspectives. Dr. Thomas is a leading authority on the subject of private prisons and views them as a potentially valuable option for government. Dr. DiIulio is a prominent academic critic of private prisons who objects to them primarily on philosophical grounds.

Thomas, DiIulio, and I visited Western New Mexico Correctional Facility, the state-run prison, in October, 1988. Thomas and I visited CCA-New Mexico Women's Correctional Facility, the privately-operated prison, in December, 1989. DiIulio also visited the private prison, along with me, but was not able to do so until May, 1990.<sup>8</sup> On the basis of these site visits, Thomas and DiIulio wrote reports evaluating the state and private prisons. Those reports are summarized in Appendix D and reference will be made to them throughout the study in discussions of the findings based on the quantitative measures. In those discussions, I will also draw on observations of my own from these visits and on interviews that I had with officials of the New Mexico Corrections Department in Santa Fe.

It might be noted at this point that in spite of the differences in their intellectual predispositions, and in the timing of their visits to the private prison, there was remarkable consistency between DiIulio and Thomas in the impressions they reported at each facility.

A second source of subjective, or qualitative, data is the comments that staff and inmates were invited to add to their surveys at both the private and the state prisons. A content analysis of these comments produced the results shown in Tables 23 through 39 in Appendix A, and the comments will also be used to help interpret the quantitative findings throughout the report.

While insights from the site visit reports and the survey comments will provide illumination and corroboration, the central form of evidence to be presented in the chapters that follow is a large number of quantitative measures or indicators based on surveys of staff and inmates and on data collected from institutional records.

### Surveys of Staff and Inmates

The Bureau of Prisons has created what it calls the "Prison Social Climate Survey" (PSCS), which it administers to staff to gather information useful in the management of its facilities. A separate version was created for inmates but has seldom been used. The survey includes well over 100 questions across four areas: (1) Personal Safety and Security, which asks about the safety of staff and inmates, incidence of assaults, gang activity, and use of weapons, dangerousness of inmates, use of force,

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<sup>8</sup>Thomas and I also made an interim visit to CCA-NMWCF in July, 1989, to gather impressions of the transition period. DiIulio was scheduled to make that visit also, but was unable to do so.

security procedures, and degrees of control on different shifts; (2) Quality of Life, which asks about sanitation, crowding, turnover, privacy, noise, and grievance procedures; (3) Personal Well-Being, which asks about emotional and physical health and symptoms of stress; and (4) Work Environment, which includes questions on management effectiveness, job satisfaction, employee morale, adequacy of staff training, and relations with inmates. Most of these questions ask the respondent to answer in terms of conditions prevailing over the last six months, so that the reference period is specified.

The numerous questions in the PSCS were sufficient to supply indicators pertaining to six of the eight dimensions of prison confinement quality that were identified in Chapter 1 as defining the essential mission of a prison. The dimensions of Care and Activity are not covered in the staff version of the PSCS. These two areas are more appropriately measured with surveys of inmates than with surveys of staff. The survey was altered slightly in wording and content to apply to the New Mexico prisons and to produce an inmate as well as a staff version. The inmate version dropped the section of questions on work environment and added questions on programs and services.

The surveys were distributed to all staff and administered to all inmates at each of the prisons in New Mexico: in December 1988 for the state prison and in December 1989 for the private prison. Coverage was nearly complete for inmates at each prison. At the state prison, 132 inmates completed surveys, which was 95% of the population resident at that time. At the private prison, surveys were completed by 134 inmates, or 82% of the resident population. Surveys were distributed to all staff at both prisons, but with different response rates. At the state prison, surveys were returned by 112, or 49% of the total employed there at the time (counting institutional and central office payrolls, and contractors). At the private prison, 72% of the 105 employed and contracted staff returned their surveys.

Because the BOP's original version of the survey had been administered to staff at Alderson in May, 1988, it was possible to include the federal women's prison in this study. The survey was sent to a sample of 194 staff at Alderson, of whom 78 replied. This was 40% of those sampled and 33% of the total employed. No inmates were surveyed at Alderson.

To see if the low rate of response for staff at the state and federal facilities may have created any systematic response bias, demographic characteristics of the respondents were compared to relevant figures (where available) for the total population of staff. For most variables, the respondent sample was fairly representative. However, in both cases, there was a small over-representation of administrators or supervisory staff and a

slight under-representation of minority staff--Hispanics at the state prison and blacks at the federal prison.

### Institutional Records

Most of the survey questions asked respondents to base their replies on their experience during the last six months. Institutional records for those same six months were also reviewed, to derive a different, and perhaps more objective, set of indicators for the eight dimensions of prison quality.

Institutional records were drawn from such sources as the following:

Significant incident logs	Education records
Disciplinary logs & files	Health clinic logs
Grievance logs & files	Psychologist logs
Inmate employment records	Personnel records

A number of factors helped ensure continuity and comparability of records from state to the private prison. First of all, the private company simply inherited all the records and forms used by the state. Although they began immediately to make adaptations, the basic contents of the records used in this study did not change enough to cause any serious research problems. Second, while the private prison was free to develop its own Policy and Procedures Manual, it began with the one used by the state and worked with state officials to assure essential consistency both with old and with newly developing state policies and procedures. Third, in one way or another, most policies and procedures in New Mexico corrections are shaped by the Duran consent decree, to such an extent (and for the reason) that the decree constitutes a virtual policy and procedures manual in itself. Finally, both the state, during its last year of operation, and the company, during its first, were laboring to create the records and documents required by the American Correctional Association for accreditation. All these factors contributed to consistency of record-keeping between the two prisons in New Mexico.

Fewer official records data were collected for the federal prison, for two reasons. First, this prison is not central to the analysis, being used only for supplementary perspective; hence, less time was budgeted for data collection there. Second, official records data for the federal prison may not be highly comparable to records data for the state and private prisons. The federal records are likely to contain many differences of definition and terminology, relative to the New Mexico data.

However, definitional differences in the federal official records measures should be about the same with respect to the private records as with respect to the state records. Thus, a difference in differences should be independent of this source of measurement error and may therefore tell us something about privatization.

### Methods and Measures of Comparison

From the surveys and official records data, it was possible to construct 333 indicators with which to measure the quality of confinement across the eight dimensions.<sup>9</sup> This gives an average of 42 indicators per dimension, but it ranges from a low of 29 for Activity to a high of 58 for Conditions. In any case, there are enough indicators for each dimension to provide some stability to the summary measures for each dimension. (The summary measures will be described later in this section.)

Two-thirds of the indicators are based on the surveys and one-third on official records. Most of the survey questions were asked of both staff and inmates, except that staff were not asked questions about Care or Activity and inmates were not asked questions about Management. Also, inmates at the federal prison were not interviewed at all. Since 96 (43%) of the 223 survey-based indicators are based on inmate replies, this reduces the number of comparisons that are possible for the federal prison. That number is reduced still further by the fact that not all of the types of official records data that were collected at the New Mexico prisons were sufficiently retrievable to be included in the study as measures for the federal prison. While all of the 333 indicators were available for the private and state prisons, only 131 indicators were available for the federal prison. Thus, for 131 (39%) of the 333 indicators it is possible to make three-way comparisons, but for 202 (61%) of the indicators only two-way comparisons (private vs. state) are possible. This means that we can make a total of 595 comparisons altogether.<sup>10</sup>

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<sup>9</sup>The figure of 333 includes a few indicators that are repeated because they apply to more than one dimension. It does not include some other indicators that appear in the tables for informational purposes but are not evaluated directly as positive or negative. The number of issues covered is much less than 333, because of the fact that the measures are often in clusters of closely related indicators that measure the same thing in slightly different ways.

<sup>10</sup>This is because a three-way comparison yields three comparisons but a two-way comparison produces only one ( $595 = 131 \times 3 + 202$ ).

The total set of comparisons between the private, state, and federal prisons are laid out in Appendix B, in a series of eight master tables--one for each of the dimensions of prison quality. Within each table, the indicators for that dimension are organized into subcategories. For each indicator, numbers are provided in either two or three columns, depending on whether that information was available for the federal as well as for the private and state prisons.

These numbers were tested for the statistical significance, or "reality," of any differences between their values for the three prisons. Where the indicators consist of means or proportions, differences were tested for statistical significance using either a difference-of-means or a difference-of-proportions test.<sup>11</sup> Some of the numbers, however, cannot be tested with any standard statistical tests.<sup>12</sup> For these numbers, 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 not due to chance variation or random measurement error.

Where no difference is shown between two prisons by either a statistical or a subjective test, each prison is marked in the table with an equal sign (=) in the appropriate position. Where a "real" difference is shown by the appropriate "test," the difference is then evaluated to determine which of the prisons is "favored" by the difference. The favored prison is marked by a plus sign (+) and the disfavored prison by a minus sign (-) in the appropriate position.<sup>13</sup>

These symbols and others used in the comparison tables are described in Figure 2.1.

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<sup>11</sup>Hubert Blalock, Social Statistics (NY: McGraw-Hill, 1960), pp. 170-178.

<sup>12</sup>This would include numbers having either no variance or no information about variance, and numbers that are ratios or rates rather than proportions. For example, the proportion of inmates resident at some time during the last six months who were involved in a significant incident is statistically testable, but the number of incidents over six months divided by the six-month population (referred to in the tables as a "rate per capita-6") is not statistically testable. The difference is between dividing inmates or incidents by the six-month population of inmates.

<sup>13</sup>The columns for the private, state, and federal prisons are on the left, middle, and right, respectively. Thus if the state prison scored equal to the private and "better" than the federal prison on a particular indicator, the number would be followed by: = +.

Figure 2.1  
Legend for Tables Comparing Private, State, and Federal  
Women's Prisons on Measures of Quality of Confinement

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Private: Corrections Corporation of America - New Mexico Women's Correctional Facility at Grants, New Mexico

State: Western New Mexico Correctional Facility at Grants, New Mexico

Federal: Federal Correctional Institution at Alderson, West Virginia

Per capita-6: divided by total number of residents over 6 months.

*Italicized items are from official records; all others are from staff and inmate surveys.*

Symbols

+ Favored side of a difference significant at  $p < .05$

- Unfavored side of a difference significant at  $p < .05$

= Nonsignificant difference (statistically similar)

⊕ Favored side of a nontestable difference judged as real

⊖ Unfavored side of a nontestable difference judged as real

⊘ Judged to be not a real difference (subjectively similar)

i Informational numbers: differences not tested or judged

--- No data available

⊘ No relevant comparison possible

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The legend in Figure 2.1 is a crucial guide to understanding all the comparison tables assembled in Appendix B and presented separately in the chapters that follow. Note that *italicized items* are set off to indicate that they are derived from official records. All other items are from the surveys of staff or inmates. Where both staff and inmates answered the same question, their average responses are juxtaposed.

One unconventional phrase used throughout the tables is "per capita-6." This is the same as a per capita rate but instead of dividing by the inmate population at one point in time, the denominator is the total "six month population," which is the total number of inmates who were resident at the prison at any time during the six month reference period. This denominator is used where the numerator is something that is counted or measured across all six months.

The three valuational symbols (+, -, and =) denote differences that were tested with standard tests for statistical significance. As explained above, numbers not subjectable to standard tests of significance were "tested" for inter-prison differences by a subjective judgment based on their size and the quality of the data. To distinguish these subjective tests from the statistical tests, their signs are displayed with shading (⊕, ⊖, and ⊕). Blank shading (□) indicates that a federal comparison was not possible, because data were missing (---) for the federal prison. Finally, numbers marked "i" were included just for information, not for testing of differences.

For each dimension, there is at least one item beginning with the words "Direct comparison of prisons on...." These items are based on survey questions directed at staff and inmates in the private prison who identified themselves as having prior experience at the state prison. Eighty-seven inmates and twenty-two staff who completed surveys at the private prison answered these questions, which asked them to make a direct comparison between the state and the private prison on various subjects. These items are tested for statistical significance by a different technique than that used for the other survey items. For all the other survey items, each institution has its own average score and it is the difference between those institutional scores that is tested for significance. For the "Direct comparison" items, however, there is only one average score, which in itself describes a perceived difference between two prisons. Therefore, this one score is placed in both the "Private" and the "State" column and its difference from zero is tested for significance. The scale has 5 values: -2 = "state much better," -1 = "state somewhat better," 0 = "about the same," +1 = "private somewhat better," and +2 = "private much better." When the average scale score is not significantly different from zero, the private and state prisons are being judged "about the same," so an equal sign (=) is placed in each column. When the scale score is signifi-

cantly different from zero, a positive score favors the private prison and a negative score favors the state prison. Hence, appropriate signs (+ and -) are placed in the Private and State columns even though the numbers in the two columns are the same.

In the eight chapters that follow this one, the eight dimensions of prison quality are examined in turn. In each chapter, the relevant comparison table from Appendix B is broken down into subcategories of that dimension and analyzed in detail. To explain, cross-validate, or qualify the "favorable" and "unfavorable" interpretations given to the quantitative item comparisons, I try to supplement them with qualitative insights drawn from the consulting experts' site visit reports, from my own observations, from comments added to their surveys by inmates and staff, and from interviews with correctional officials.

Interpreting each measurement item was often difficult. Certain indicators can be seen as positive on one dimension and negative on another. For example, "Freedom of movement during the day" can be seen as negative for security but positive for conditions of confinement. Where a particular interpretation seemed most clear or plausible on one dimension, the indicator was left in that category. Where an equally good case could be made for opposite interpretations on different dimensions, some indicators were allowed to cancel themselves out by placement on both dimensions. That produces some tendency toward a general finding of counteracting strengths and weaknesses, but that is a legitimate finding, and anyhow, the number of indicators treated this way was small.

More troublesome were indicators that could be interpreted either positively or negatively within the same dimension. Where the opposing interpretations seemed equally plausible, many such indicators were discarded entirely, either in the project's conceptual stage or later, when the problem became more clear. Even after that culling process, however, many of the indicators remaining and examined in this study could be argued either way. There is no way to avoid that problem completely. To restrict oneself to indicators that are absolutely clear and unambiguous would produce a limited and uninteresting report. A better solution, followed here, is to report findings in detail, thus allowing others to make differing interpretations, and to search for patterns rather than relying very much on single indicators.

#### The "Quality Index" Summary Measure

Almost six hundred comparisons of prison quality, even when divided over eight dimensions, are way too many to try to summarize without some method of numerical reduction. The matter is complicated further by the fact that one of the three prisons is

eligible for fewer comparisons than the others, because of missing data.

A technique borrowed from the field of sports provides a solution. The National Hockey League ranks teams by awarding two points for a win, no points for a loss, and one point for a tie, then dividing the number of points by the number of games played. Cutting the point values in half, we can construct a Prison Quality Index score by awarding one point for a favorable comparison (+), no points for an unfavorable comparison (-), and half a point for a finding of similarity (=). This is standardized by dividing by the total number of comparisons.

The Prison Quality Index can be expressed as follows:

$$\diamond \text{ Favorable Differences} + (\text{Similarities} \div 2) / \text{Total Comparisons}$$

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 a 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.

It is possible, now, to comparatively evaluate two or more prisons on each of eight different dimensions of "quality of confinement." The component indicators of each comparison can be examined in detail to understand just why a prison measures up the way it does on a particular dimension. Then the indicators can be combined in a concise index to summarize the results on that dimension and the indexes can be totalled across all dimensions for an overall score. Prisons can be compared and ranked according to this overall score, or they can be compared according to patterns of strengths and weaknesses across the separate dimensions.

In the chapters that follow, both detailed and summarizing comparisons will be made of a state-run and a privately operated prison in New Mexico. While the state-private comparison is the central focus of the study, it will be placed in perspective by using a federal prison as a third point of reference, for additional two-way and three-way comparisons.

### 3. Security ("Keep Them In")

Security is a high priority under the confinement model of imprisonment. This includes keeping inmates in and drugs or other contraband out. It requires a good physical design, a custodial force that is adequate in size and deployment, and faithful adherence to good security procedures. Limits on internal and external movement of prisoners are also helpful.

Indicators relating to all of these considerations will be analyzed in the sections that follow. Overall, they will depict a rather secure state prison, and an even more secure private prison.

#### Security, General

Table 3.A

<u>Security, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on overall security of the facility (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + ■	0.8 - ■	--- ■
Inmate mean	-0.8 - ■	-0.8 + ■	--- ■
2. Rating of how the building design affects surveillance of inmates (-2=greatly inhibits 2=greatly facilitates)			
Staff mean	0.7 + +	-0.5 - +	-1.3 - -

(i) Informational (+) Favorable (-) Unfavorable (=) Similar<sup>1</sup>  
<sup>a</sup>Single score tested for difference from zero ("about the same").

Eighty-seven inmates and twenty-two staff who completed surveys at the private prison identified themselves as having

<sup>1</sup>For full explanation of symbols in these comparison tables, see Legend in Chapter 2, Figure 1. Briefly: capita-6 = per six-month population; shaded signs = differences judged subjectively, not statistically; shaded blanks = no comparison possible; italicized items = from official records.

prior experience at the state prison and answered a special set of questions asking them to compare the two institutions directly. Here they were asked to make a direct comparison between the two prisons regarding "overall security." On average, the staff described security as "somewhat better" in the private prison, while the inmates viewed security as having been "somewhat better" in the state prison.<sup>2</sup>

Visits to the federal prison at Alderson and the two prisons at Grants confirmed the relative judgments by staff at those institutions about how their physical designs affected surveillance, and therefore security.

Alderson looked like a large, lightly wooded campus, with many scattered dormitories and other buildings. Rooms in the dorms were distributed along corridors on different floors, as in a typical college dorm. There were many areas, both outside and in, where inmates were not in continuous view of staff.

The state-run Western New Mexico Correctional Facility was built in 1984, not long after the 1980 riot at the New Mexico State Penitentiary. In that bloody riot's aftermath, WNMCF was designed to separate staff from inmates, and direct surveillance was severely compromised. Medium security women were housed in several separate buildings connected by outdoor runways formed of chain link fences with gates controlled by a distant central control center. Inside the buildings, some of the cell blocks were visible directly through a window in a local control center but others could be viewed only by cameras and video monitors. Several entrances and stairwells were completely blind. Three two-person honors units had no external visibility. In addition, all the minimum security women were housed in three trailers in a compound across the parking lot from the rest of the prison.

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<sup>2</sup>In this and all subsequent tables, all items beginning with "Direct comparison of the prisons on..." were tested for statistical significance by a different technique than that used for the other survey items. For all the other survey items, each institution had its own average score and it was the difference between those institutional scores that was tested for significance. For the "Direct comparison" items, however, there was only one average score, coming from respondents at the private prison. The scale has 5 values: -2 = "state much better," -1 = "state somewhat better," 0 = "about the same," +1 = "private somewhat better," and +2 = "private much better." When the average scale score was not significantly different from zero, the private and state prisons were being judged "about the same," so an equal sign (=) was placed in each column. When the scale score was significantly different from zero, a positive score favored the private prison and a negative score favored the state prison. Hence, appropriate signs (+ and -) were placed in the Private and State columns even though the numbers in the two columns were the same.

These trailers had no visibility from the outside. Correctional officers made rounds from their office in a separate trailer.

The design at CCA's privately operated facility put a premium on visibility and surveillance. All the housing units were inside one building. A master control center sat in one corner with clear lines of sight along two wide corridors. Down one corridor was a maximum security wing with one cell pod for segregation and two cell pods for Reception, Diagnosis, and Classification (RDC) cases. Down the other corridor were the minimum security dorms and the medium security cell pods. The medium and maximum security wings were at the ends of each corridor, with cell pods arranged in an arc around, and fully visible from, a glassed-in control center. The minimum security unit had an open control booth in the center of one of the broad corridors, in which the duty officer could rotate to look into each of four large dorms with waist-high partitions around the beds.

In all the housing units at the private prison, visibility was extremely high, so much so that it was surprising that staff did not give a higher absolute (in addition to their higher relative) rating to the effect of building design on surveillance there.<sup>3</sup>

As was the case at WNMCF, all the cells and dorm units at CCA had intercoms to allow voice contact with control centers. One structural disadvantage of the private facility relative to the state, in the area of surveillance, was the lack of a tower to look down on outdoor exercise areas. However, officers were required to be present in these areas during recreation periods. One of the study's consultants, Dr. Thomas, criticized the private prison for having one entrance from the staff office area to the main inmate corridor that was controlled only by voice, without a video monitor. However, Thomas was much more critical of many more aspects of physical security at the state prison.

In their survey comments regarding safety and security, inmates at the private prison tended to complain of overemphasized security (7 of 79 comments); at the state prison, more inmates complained that security was not tight enough and that inmates were not adequately protected (31% of the comments).

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<sup>3</sup>One interesting statistic may be worth noting here. The one category of inmate misconduct that is probably most dependent on sheer visual observation by staff is consensual sexual activity among inmates. While staff at the private prison wrote fewer discipline reports in total during a six-month period, they wrote 22 for consensual sexual acts. That was twice as many (and three times the per capita rate) as the 10 reports written at the state facility during the same months the previous year.

Security Procedures

Table 3.B

<u>Security Procedures</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived frequency of shakedowns in the living area (0=never, 6=all the time)			
Staff mean	4.0 = =	4.2 = =	3.9 = =
Inmate mean	4.4 = █	4.4 = █	--- █
2. Perceived frequency of body searches			
Staff mean	3.4 = +	4.0 = +	2.5 - -
Inmate mean	4.8 = █	5.2 = █	--- █
3. Proportion of staff who have observed:			
a. Any consequential problems within the institution	.43 = +	.57 = =	.59 - =
b. Lax security	.50 = =	.58 = -	.37 = +
c. Poor assignment of staff	.44 = =	.57 = -	.32 = +
d. Inmate security violations	.38 = =	.57 = -	.25 = +
e. Staff ignoring inmate misconduct	.31 = -	.37 = -	.11 + +
f. Staff ignoring disturbances	.09 = =	.18 = -	.01 = +
g. Other problems	.44 = -	.28 = =	.16 + =

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. Number of cell or bunk area shakedowns conducted in a one month period	84 i	116 i	--- ■■■
a. Rate per inmate	.49 ■■■	.81 ■■■	--- ■■■
b. Proportion finding contraband	.25 + ■■■	.53 - ■■■	--- ■■■
5. Number of urinalysis tests based on suspicion in a one month period	30 i	16 i	48 i
a. Rate per inmate	.18 ■■■	.11 ■■■	.06 ■■■
b. Proportion testing positive on opiates	.31 = -	.40 = -	.10 + +

(i) Informational    (+) Favorable    (-) Unfavorable    (=) Similar

While facility design may promote or inhibit surveillance, the real key to security lies in the rigorous adherence to proper procedures.

Between the state and private prisons, neither staff nor inmates differed in their perceptions of the frequency of unit shakedowns or inmate body searches. The federal staff perceived a similar frequency of shakedowns but a lower frequency of body searches compared to the staff at both the private and the state facilities.

When staff were asked about observed problems of security, no significant differences appeared between the private and state prisons, across seven related questions. For six of those questions, a lower proportion of staff observed problems at the federal prison than at the state (5 questions) or the private (1 question) prison. On one question, fewer staff at the private prison reported "any consequential problem" than at the federal institution.

Official records showed that shakedowns occurred at a higher rate (per inmate) at the state prison, perhaps in response to a greater need since the proportion of shakedowns uncovering contraband was twice as high as it was at the private prison.

The pattern of fewer shakedowns and less contraband at the private prison was consistent with the greater visibility of living units there. Also, the state administration was not as strict as the private in limiting the quantity of personal possessions that inmates could keep in their living areas.

At both prisons, the contraband discovered consisted not of drugs or weapons, but of personal property outside permissible limits. The average state shakedown of a cell found three different types of contraband (where, for example, extra pens would count as one type) while the average shakedown at the private prison found only one.

If the shakedowns in New Mexico did not uncover drugs, it was not because drugs were not being used. In nonrandom drug tests, inmates at both the private and the state prison tested positive more often than at the federal facility. While the "hit rate" at the private and state prisons was about the same, testing was more frequent at the private prison than at the state, and more frequent at the state than at the federal. It should be noted, however, that data on drug testing were more thorough and more retrievable at the federal than at either of New Mexico's prisons.

One of the study's consulting experts (Dr. Thomas) perceived some "looseness" in security procedures at the state prison and there were even four inmates there who volunteered comments on their surveys to the effect that security was lax. No inmate at the private prison made that complaint. Seven inmates at the private prison and two at the state said that security was overemphasized.<sup>4</sup> Several people, including the state warden, anticipated that moving the inmates would be used as an opportunity to tighten things up and that does seem to have happened. It would probably have happened anyway, even if the move had been to another state facility.

### Drug Use

Table 3.C

<u>Drug Use</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on control of drug use (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.1 = █	0.1 = █	--- █
Inmate mean	-0.5 - █	-0.5 + █	--- █

<sup>4</sup>See Appendix A, Tables A.25 and A.26.

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Drug related incidents, rate per capita-6	.00 ■ ■	.02 ■ ■	.00 ■ ■
3. Discipline reports related to drugs or contraband, rate per capita-6	.24 ■ ■	.28 ■ ■	--- ■ ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

CCA staff with prior experience at Western give a very slight edge to the private prison on control of drugs, but the average rating of 0.1 was not significantly different from a no-difference rating of 0 ("about the same"). In contrast, the small edge given to the state by inmates (-0.5, where -1 = "state somewhat better") was statistically significant. When official records were examined for drug-related incidents or discipline reports there was no difference between the private and state prisons.

### Significant Incidents

Table 3.D

<u>Significant Incidents</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Significant incidents	1 i	24 i	13 i
a. Proportion of 6 month population involved	.00 + =	.12 - -	.01 = +
b. Total incidents, rate per capita-6	.00 ■ ■	.10 ■ ■	.01 ■ ■
2. Escapes	0 i	0 i	3 i
a. Rate per capita-6	.00 ■ ■	.00 ■ ■	.00 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The number of events regarded by a prison as "significant incidents" is a reasonable, though incomplete, measure of security. While institutions vary in what they record as "significant," many of these events relate in some way to security.

In the private prison's first six months of operation, there was only one significant incident--an altercation between an inmate and a staff member.

The state prison had twenty-four significant incidents in six months, including ten fights between inmates, three altercations with staff, five drug related incidents, two self injuries, two suicide attempts, and two other events. Most of these events were not serious in their outcomes but were treated seriously and reported as "significant" because they required use of force, restraints, or medical treatment.<sup>5</sup>

The federal prison had thirteen significant incidents in six months. This is much lower per capita than at the state prison, but some of the incidents may have been more serious. They included three escapes and one more attempted, three suicide attempts, and six assaults, fights, or disruptions.

Escapes deserve a separate mention, since these reflect most obviously on the security mission of a prison. The federal prison had three escapes in the six months examined while the two prisons of main concern to this study had perfect records in this regard.<sup>6</sup>

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<sup>5</sup>See Appendix A, Table A.6.

<sup>6</sup>Both of the New Mexico prisons, private and state, were high security facilities, encircled with tall fences bearing multiple rolls of razor wire. Physical security was higher at both than is normally required for a women's prison. Western, the state facility, had a few extra safeguards on the main compound (gun tower, double fence with dog run, armed perimeter patrol cars) because it was the intake center for all male as well as female felons in the state. Physical security was much lower for the minimum custody females in the trailers outside the main compound. Evidently, it was adequate, however, since there were no escapes at any time during the four years that the women were incarcerated at WNMCF.

Community Exposure

Table 3.E

<u>Community Exposure</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Furloughs	10 i	180 i	39 i
a. Rate per capita-6	.04 # #	.78 # #	.03 # #

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Temporary access to the community may have value under some other heading, but its implications for security are negative. The use of furloughs exposes the community to at least some extra risk and thus reduces security. The per capita furlough rate at the private prison was lower than at the state prison and about equal to the federal prison. This was counted in favor of the private and federal prisons in the area of security.<sup>7</sup>

Freedom of Movement

Table 3.F

<u>Freedom of Movement</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived freedom of movement for inmates (0=none at all, 4=very much)			
a. During the day			
Staff mean	2.4 + +	2.7 - +	3.8 - -
Inmate mean	0.7 + #	1.3 - #	--- #
b. During the evening			
Staff mean	2.0 = +	2.0 = +	3.7 - -
Inmate mean	0.8 = #	0.8 = #	--- #

<sup>7</sup>In the area of conditions of confinement (Chapter 9), the same measure was counted in the opposite direction.

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
c. During the night			
Staff mean	0.5 + +	0.8 - +	1.5 - -
Inmate mean	0.4 = ■	0.4 = ■	--- ■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Like furloughs, inmate freedom of movement inside a prison--while it may be positive under the heading of conditions of confinement--is negative under the heading of security. Staff at the private prison perceived inmate freedom of movement to be slightly lower during the day and night (but not during the evening) than did staff at the state prison. Inmates perceived the same thing for daytime, but not evening or nighttime, movement. However, on all three shifts, staff at both New Mexico prisons perceived their inmates as less free to move about than did staff at the federal prison.

Some staff at Western complained that the relatively high freedom of movement for minimum security inmates, coupled with the fact that those inmates did not have to wear uniforms, made the job of maintaining security harder. At CCA, the minimum security women were particularly upset about the loss of their freedom of movement and clothing choice and complained that they were now "treated like maximum security."

### Staffing

Table 3.G

<u>Staffing</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Ratio of resident population to security staff on reference date <sup>a</sup>	3.1 ■■ ■	2.3 ■■ ■	8.1 ■■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>For State, this is female inmates to CCW security staff.

Security staff at the private prison had to supervise a slightly greater number of inmates each than did the guards at the state prison (3.1 vs. 2.3), but that difference is not judged to be "significant." The difference seems even more nominal when compared to the much higher ratio at the federal prison (8.1 inmates per custody staff member).

In their survey comments,<sup>8</sup> staff at the state and private prisons claimed with about equal frequency that more staff were needed for security and safety. This is probably a standard staff complaint in all prisons. More revealing perhaps is that in the space for comments on security, twenty-one percent of the comments by private staff were positive, which was true of only five percent of the comments by the state staff. Several of the private staff specifically commented that security was better now than it had been under the state.

### Summary

Table 3.1 Summary of Comparisons on Security

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	10	30%	3	9%	20	61%	.61
State	3	9%	10	30%	20	61%	.39

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	18	33%	6	11%	30	56%	.61
State	10	19%	19	35%	25	46%	.42
Federal	12	28%	15	36%	15	36%	.46

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Security is the primary mission of any prison, and it has been a major concern in the debate over privatization of corrections. Security may not have the same sense of urgency in most women's prisons that it has for maximum custody male felons, but still it is important.

<sup>8</sup>See Appendix A, Tables A.23 and A.24.

As Table 3.1 shows, the private prison was certainly not inferior to either of the governmental prisons in providing security. In particular, it should be noted that the private and state prisons were more alike than different; 61% of the measures of security showed the two prisons as essentially similar. Where differences did occur, however, they strongly favored the private prison. Of the 33 private/state comparisons, ten (30%) favored the private and three (9%) favored the state prison. This resulted in a Quality Index of .61 (61% of the maximum possible relative performance) for the private prison and a Quality Index of .39 for the state.

Adding the federal prison as a third point of reference puts the private/state comparison into perspective. In the three-way comparison, the private prison still had a Quality Index of .61 but the state's new index of .42 was not very different from the federal facility's Index of .46. Thus, while the private facility scored higher than the state on security, comparison to the federal facility indicates that the state prison was also fairly high on security, as women's prisons go.

In summary, on its primary mission--security--New Mexico's private women's prison has equalled or surpassed the standard previously set by the state.

#### 4. Safety ("Keep Them Safe")

Under the confinement model of incarceration, one important task of prison administrators is to protect inmates from personal injury and harm. In addition, prison administrators are responsible for the safety of the prison staff. Threats to the safety of inmates and staff can come from each other, or from the physical environment of the prison.

Levels of prison safety are reflected by such measures as assault rates, accident rates, numbers of injuries, and staff and inmate perceptions of environmental safety. Analysis of these and related indicators reveal that the private facility scores significantly higher on the dimension of safety than either the state facility or the federal institution.

#### Safety, General

Table 4.A

<u>Safety, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on inmate and staff safety (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 +	0.8 -	---
Inmate mean	-1.0 -	-1.0 +	---

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Single score tested for difference from zero ("about the same").

The staff who had experience at both the state and the private prison in New Mexico rated inmate and staff safety as "somewhat better" in the private prison. Former state inmates, on the other hand, rated safety as "somewhat better" at the state prison. Looking at the strongest, rather than the average ratings, 36% of the experienced staff rated safety as "much better" in the new private prison, while 46% of the experienced inmates said that safety was "much better" at the old state facility.

The staff assessments of safety were probably shaped mainly by their perceptions of security. (The private prison's more secure building design and tighter security procedures were described in the last chapter.) In their survey comments, staff at the state

prison reported that they as well as inmates were particularly vulnerable in medium security units C and D, which had very poor visibility. At CCA, one staff member wrote, "I feel much safer here than I did at Western. There is a 250% improvement in staff control of inmates." However, staff at the private prison complained of inexperience among new staff and, at both prisons, staff criticized communication equipment, identified some laxity, and asserted a need for a larger number of staff.

Inmate perceptions of lower personal safety and security at the private prison were most frequently criticisms of either physical hazards or the behavior and attitudes of staff members. About 23% of the CCA inmates' survey comments on security and safety dealt with leaky ceilings, pipes, unsafe showers, and poor electrical wiring. Inmates expressed concern that in the case of a fire or other emergency, the cell doors (which are electrically controlled) would not open properly. CCA inmates also criticized staff for being slow to respond to inmate requests for help or emergency assistance, and for "harassing and provoking" them.

At Western, the state prison, inmates did not observe as many structural problems: three comments were made about crowding. Staff were heavily criticized, however, (54% of inmate comments on safety and security at Western) for creating safety problems for the inmates: inconsistency, poor training, harassment and provocation were words often used, as well as lax security and lack of protection.

### Inmate Safety

Table 4.B

<u>Inmate Safety</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived likelihood of an inmate being assaulted in her living area (0=not likely, 3=very likely)			
Staff mean	1.3 + =	1.7 - -	1.3 = +
Inmate mean	1.6 - ■	1.3 + ■	--- ■

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Estimated rate (per 100 population) of armed assaults involving inmates			
Staff mean	0.0 + =	0.2 - -	0.1 = +
Inmate mean	0.3 = █	0.1 = █	--- █
3. Estimated rate (per 100 population) of assaults against inmates without a weapon			
Staff mean	0.7 + -	1.5 - -	0.3 + +
Inmate mean	1.9 - █	0.8 + █	--- █
4. Estimated rate (per 100 population) of sexual assaults upon inmates			
Staff mean	0.0 = =	0.5 = =	0.0 = =
Inmate mean	0.1 = █	0.1 = █	--- █
5. Estimated rate (per 100 population) of instances inmate has been pressured for sex			
Staff mean	0.7 = =	1.2 = -	0.4 = +
Inmate mean	0.6 - █	0.2 + █	--- █
6. Inmates' perceived danger of being: (0=very safe, 5=very unsafe)			
a. killed or injured	1.8 = █	1.6 = █	--- █
b. punched or assaulted	1.6 = █	1.4 = █	--- █
7. Proportion of inmates who say they have been physically assaulted by another inmate in a 6 month period			
	.08 = █	.09 = █	--- █
8. Proportion of inmates who say they have been physically assaulted by staff in a 6 month period			
	.06 = █	.04 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
9. Number of discipline reports that involved fighting or assault	13 i	29 i	--- ■■■
a. Rate per capita-6	.05 ■■■	.13 ■■■	--- ■■■
10. Number of significant incidents involving inmate injury	0 i	15 i	3 i
a. Rate per capita-6	.00 ■■■	.06 ■■■	.00 ■■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The responses of staff at the New Mexico prisons revealed that the private prison was either equal to or better than the state facility on the measures of inmate safety. According to the inmate respondents, however, the private facility did not offer the same degree of protection as the state facility: on all of the items asked of inmates, the average response at the state was either statistically equal to, or more favorable than the responses of inmates at the private institution. The federal prison also fared well, always being equal to or better than the New Mexico state and private facilities in staff appraisals of inmate safety.

The official records favored the private prison. Fewer discipline reports for fights and assaults were issued to inmates at the private facility than at the state. Rates of significant incidents resulting in injury were significantly higher at the state than at either the private or the federal prison. Overall, the private prison fared the best, and the federal inmates were slightly safer than those in the hands of the state.

It appears that the more objective indicators favored the safety of inmates at the private facility (assuming that staff estimates, along with official records are more objective than inmate estimates). Moreover, the inmates did not differ significantly in their reports of personal victimization. This suggests that the women may have felt less safe in their new prison than they actually were.

One possible reason for this is that the living unit population sizes were larger at the private prison. Each minimum security pod held up to 20 women, and each medium security pod held up to 25 prisoners. The corresponding figures at Western were a maximum of 8 per half-trailer and a maximum of 8 per secure subunit. Thus, inmates at the private prison were exposed to a greater number of potential victimizers within the housing unit. Although this may have been offset by the greater visibility of the units, the larger group sizes meant that the inmates

had to rely more on the officers for protection and less on their own informal social control within small, intimate groups.

Staff Safety

Table 4.C

<u>Staff Safety</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Rating of how the building design affects staff safety (-2=greatly inhibits, 2=greatly facilitates)			
Staff mean	0.6 + +	-0.5 - =	-0.8 - =
2. Perceived danger to male staff (0=very safe, 5=very dangerous)			
Staff mean	1.0 + =	2.1 - -	1.3 = +
Inmate mean	0.8 = █	0.9 = █	--- █
3. Perceived danger for female staff (0=very safe, 5=very dangerous)			
Staff mean	1.4 + =	2.4 - -	1.5 = +
Inmate mean	1.1 = █	1.1 = █	--- █
4. Rating of how often inmates use physical force against staff (0=never, 6=all the time)			
Staff mean	0.7 + +	2.0 - -	1.4 - +
Inmate mean	0.5 + █	0.8 - █	--- █
5. Perceived likelihood that a staff member would be assaulted (0=not likely, 3= very likely)			
Staff mean	1.1 + -	1.4 - -	0.9 + +

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
6. Proportion of staff who say they have been assaulted by an inmate in a 6 month period	.01 = =	.05 = =	.04 = =
7. Number of significant incidents involving staff injury	0 i	1 i	0 i
a. Rate per capita-6	.00 ■ ■	.00 ■ ■	.00 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

It is the responsibility of any employer to see to the safety of employee working conditions. For a prison administration, the concerns for staff safety are particularly pressing since stress and fear are major sources of burnout among correctional workers. In order to maintain an effective staff resource, it is essential that the prison be safe for employees. In absolute terms, scores on all indicators of risk to staff were fairly low at all three prisons, reflecting the fact that whatever the sources of stress for staff in most female prisons, the fear of violence is usually not among them. There was, however, variation among the prisons.

Staff responded to several measures of staff safety, and in general the state facility was rated poorly, while the private was evaluated generally favorable. On the contribution of building design to staff safety, there was a distinct difference between the state and private facilities: state staff regarded the building design as somewhat inhibiting to staff safety, while private staff measured the facility design as a facilitator of staff safety. The federal prison was rated similarly to the state prison: as a block to safety rather than an instrument of staff safety. Staff at the private prison also reported a much lower rate of inmate use of force on staff and a slightly lower likelihood of assault on staff than did staff at the state facility.

Inmates at both of the New Mexico prisons saw themselves as posing little threat to staff, albeit just a fraction more of one at the state prison on one of three indicators.

Although staff at the state prison were instructed to respond purely in terms of their interactions with the female offenders, their stronger perceptions of danger may have been colored at least somewhat by the presence of the male offenders also. However, in their written comments on safety, it was often clear that staff were referring specifically to the female units, particularly when complaining about the architecture. For example:

The way female units C & D were built hinders the view of control officers to be aware of inmates doings. Also puts rovers in a very dangerous situation while in the pods, because the control officer cannot keep visual at all times. She can be assaulted in pods or be pushed down stairways, with no knowledge by staff at all.

Staff at the private prison generally felt protected by the layout of their facility, but some complained of inadequate communications equipment and some felt that the relative inexperience of the CCA line staff compromised their safety.

### Dangerousness of Inmates

Table 4.D

<u>Dangerousness of Inmates</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates perceived to be extremely dangerous			
Staff mean	.07 + +	.12 - =	.11 - =
Inmate mean	.06 = ■	.06 = ■	--- ■
2. Proportion of inmates perceived to be somewhat dangerous			
Staff mean	.25 + =	.36 - -	.26 = +
Inmate mean	.17 = ■	.18 = ■	--- ■
3. Perceived frequency of inmate possession of weapons in living quarters (0=never, 6=all the time)			
Staff mean	1.2 + +	3.4 - =	3.3 - =
(i) Informational (+) Favorable (-) Unfavorable (=) Similar			

Staff and inmates at the New Mexico facilities were asked to estimate the percentage of inmates at their institutions who were "extremely dangerous" and "somewhat dangerous." The inmates in the two facilities did not differ in their perceptions. There was a difference, however, in the responses of staff. At the private prison, staff on the average saw about a third of the inmates (.32) as either extremely or somewhat dangerous. The state staff, on the other hand rated nearly half (.48) of their

female inmate population as dangerous. The federal staff perception fell in between the other two--the average federal staff responses summed to .37.

It might be objected that it is not fair to comparatively evaluate prisons according to the dangerousness of their inmates. Certainly, this would be true if we did not control for the overall security level of the prison and the population toward which it was aimed. That is not much of a problem, however, in comparing the state and private versions of New Mexico's women's prison.<sup>1</sup> For whatever reason, the private prison can be seen as slightly "better" for having had somewhat fewer inmates perceived as dangerous. Perhaps they were less dangerous at the time they were admitted, or perhaps they were subsequently perceived as less dangerous because of the way the prison was structured and run. Either way, the "quality of confinement" would be better, though only in the latter case could that be attributed to the prison's administration.

Another indicator of the dangerousness of inmates--and one with a less ambiguous interpretation in the evaluation of a prison--is possession of weapons. The state staff and the federal staff perceived that inmates held possession of weapons "now and then;" at the private facility, however, staff believed inmates held weapons only "very rarely."

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<sup>1</sup>The prison's security level and admission policy did not change from 1988 to 1989, and the inmate populations were fairly similar. About 69% of the inmates surveyed at the private prison said they had transferred there directly from the state facility. The percentage of inmates committed for a crime of violence or crime against the person was 34 percent in 1988 (state administration) and 29 percent in 1989 (private administration). Using classification procedures and criteria required to be "consistent" with those of the state, the private prison classified 55 percent of its inmates as medium security, compared to 62 percent at the state prison the year before.

Safety of Environment

Table 4.E

<u>Safety of Environment</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived frequency of accidents (0=never 6=all the time):			
a. In the housing units			
Staff mean	1.4 + +	2.2 - =	2.4 - =
Inmate mean	1.7 = ■	1.4 = ■	--- ■
b. In the dining hall			
Staff mean	0.9 + +	1.8 - +	2.2 - -
Inmate mean	1.6 = ■	1.4 = ■	--- ■
c. In the work environment			
Staff mean	1.3 + +	2.1 - +	2.7 - -
Inmate mean	1.3 = ■	1.1 = ■	--- ■
2. Perceived occurrence in housing units of clutter that could feed a fire (0=never, 6=all the time)			
Staff mean	1.8 + +	3.6 - =	3.9 - =

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

On the survey items measuring environmental safety, the inmates were generally consistent in their responses, regardless of which facility--state or private--they were being confined in. Accidents in the various areas of the prison (living units, dining area, and work areas) were reported by inmates in each prison as being either very rare or rare. The staff at these institutions, however, saw at least some difference. While small in absolute terms (accidents were seen as "rare" by state staff and "very rare" by private staff), the difference was in fact statistically significant for all of the items. The federal staff reported the most accidents, though still occurring only "rarely" to "now and then."

Although the state and private inmates did not differ in their reports of actual accidents, the inmates at the private prison were very vocal in their concern over potential physical hazards.

They complained of water splashed by the showers onto the floors of the living areas, of cracks in the walls and ceilings,<sup>2</sup> of slow fire drills, of cell locks that did not function properly, and other electrical problems. Most of these problems were temporary "bugs" of the sort that have to be worked out in any new building and their significance was exaggerated by the inmates, but certainly they were real enough and were noted by both DiIulio and Thomas in their site visit reports.

Much of their concern seemed related to the inmates' loss of control over their personal environment, particularly in the minimum security areas. The trailers in which the minimum custody women lived at Western were probably not objectively any safer than the cinder block dormitory units at CCA, but they were less institutional, more malleable, and the inmates had greater freedom to leave them. As one inmate said of CCA: "I feel very insecure in a locked minimum security dorm--where there is no freedom of movement nor available staff if you need one."<sup>3</sup>

The state and private facilities each passed safety inspections by the Fire Marshall and other outside authorities. However, the state facility was cited for inadequate drainage in the prison industries (micrographics) area, a problem that was eliminated as a result of relocation to the private prison.

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<sup>2</sup>Most of these were the result of a ground shift or small earthquake that occurred after the inmates' relocation to the new prison. The state and private facilities must be located along the same fault, because the event caused similar damage at both prisons.

<sup>3</sup>Actually, due to the picture window ("fishbowl") architecture of the living units at CCA, the inmates were in reality more accessible to staff there than at Western. However, because this access was also more secure and one-sided, it did not make many of the women at the private prison feel more secure.

Staffing Adequacy

Table 4.F

<u>Staffing Adequacy</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of staff and inmates who feel there are enough staff to provide for safety of inmates:			
a. During the day shift			
Staff	.69 + +	.52 - =	.47 - =
Inmates	.76 = ■	.84 = ■	--- ■
b. During the evening shift			
Staff	.69 + +	.48 - +	.34 - -
Inmates	.69 = ■	.78 = ■	--- ■
c. During the night shift			
Staff	.64 + +	.44 - =	.40 - =
Inmates	.69 = ■	.78 = ■	--- ■
2. Proportion of staff who feel there are enough staff to provide for their own safety:			
a. During the day shift	.67 + =	.48 - =	.55 = =
b. During the evening shift	.66 + +	.41 - =	.31 - =
c. During the night shift	.60 = +	.43 = +	.32 - -

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

To provide for the safety of staff and inmates, it is necessary to have sufficient numbers of staff. In this area, the private facility again received the most favorable evaluations, at least among staff respondents. The private staff, more often than the state staff, saw their numbers as adequate to provide for the safety of both staff and inmates on all three shifts. Inmates at the two prisons did not differ significantly in their perceptions of staff sufficiency on any of the shifts. The federal staff were least inclined to see their numbers as adequate--much less than the private staff and a little less than or similar to the state staff.

As noted in the previous chapter, security staffing levels (per inmate) were highest at the state prison, second at the private prison, and lowest at the federal prison (one correctional officer for every 2, 3, and 8 inmates, respectively). While the state and private prisons were not far apart numerically, compared to the much lower custody staffing level at the federal prison, the perceived effect on safety was much more similar between the two governmental prisons than between either one and the private prison. It is interesting that a substantial majority of the private staff thought that their numbers were sufficient for the safety of both inmates and staff on all three shifts, and without much variation across shifts. In the two governmental prisons, only a slim majority of staff felt their numbers were sufficient for anyone at any time (for inmate safety in the daytime at the state prison, and for staff safety in the daytime at the federal prison).

To put this in perspective, at the time of this study, New Mexico had one of the highest correctional staffing levels in the nation (only Vermont was higher) and the federal system had one of the lowest staffing levels (only Oregon was lower).<sup>4</sup> Thus, from lowest to highest staffing levels, there seems to be universal agreement among governmental corrections officers that there just aren't enough of them. So why did a majority of private officers think the opposite at their prison? Was it because they passed some crucial threshold number not yet achieved (at the aggregate level) by any governmental jurisdiction, while at the same time having a building designed to minimize the requisite number of security staff?<sup>5</sup>

I don't think so. That would suggest that the private prison may actually have been overstaffed. Yet several staff emphatically complained on their surveys that their numbers were not sufficient, and one of the study's consultants (Dr. Thomas) questioned whether there were enough staff to provide adequate

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<sup>4</sup>Vermont had 2.8 inmates per correctional officer. New Mexico, New York, and Rhode Island each had 2.9. The national average was 4.8; the federal prison system had 9.5 and Oregon had the lowest staffing, with 9.8 inmates per correctional officer. See George M. Camp and Camille Graham Camp, The Corrections Yearbook, 1989 (South Salem, NY: The Criminal Justice Institute, 1989), pp. 44-45.

<sup>5</sup>One of the claims of private prison companies is that they design their facilities to be staff efficient, and the private prison in New Mexico does seem to have been designed in such a fashion, yet their staffing level is higher than the state's already very high level. This anomaly will be discussed in the chapter on management. It relates to a provision in the contract (article 5.3.2) requiring a staffing pattern that does not vary below a level of 85 full time equivalent employees.

supervision of inmates during recreation periods. He also noted, as did I, that the lone officer in the main control center seemed overloaded at several points during the days of our visit. I believe that the different perceptions of public and private staff over whether their numbers were large enough for safety (and other purposes) was not a direct perception of different realities. The two New Mexico prisons differed only slightly in either staff level or measures of safety, so the effect of the former on the latter could not have been very strong. Rather, I think the private staff were more satisfied with their numbers because they had higher morale and were more satisfied with all of their working conditions. This will be discussed in a later chapter, on the dimension of management.

### Summary

Table 4.1 Summary of Comparisons on Safety

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	24	49%	4	8%	21	43%	.70
State	4	8%	24	49%	21	43%	.30

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	37	49%	6	8%	32	43%	.71
State	8	11%	34	45%	33	44%	.33
Federal	12	23%	17	33%	23	44%	.45

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

On the whole, the private facility, with an overall quality index of .71, appears to have been a safer prison both for the inmates who were confined there and for the staff who were employed there. The federal prison was a distant second, with a quality index of .45, and then the state prison with a quality

index of only .33. While these differences were large in relative terms, they existed primarily in the minds of staff, not inmates, and were, in any case, the difference between safe and very safe.

The superior design of the private facility was a major contributor to safety, and to the perception of safety by staff. However, the building design may also have contributed to a perception by inmates--not supported by facts--that they were less safe in the private prison than they were in the state facility.

## 5. Order ("Keep Them in Line")

Prisons are not just run; they are governed. The proper ends of government, inside prisons as elsewhere, are order and justice. I discuss order here because of its close relation to security and safety and not to imply any priority over justice. Indeed, it could be argued that discipline and control do not have any legitimate value independent of due process, but they can and should be measured independently.

The data in this chapter will document an overall pattern of greater order and control in the private prison, but it needs to be emphasized that all three prisons were calm, quiet, and orderly places. Conflicts tended to be verbal rather than physical, there were no serious disruptions, violence, or injuries, and the use of force was rarely required and always mild.

### Order, General

Table 5.A

<u>Order, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on order and control (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + █	0.8 - █	--- █
Inmate mean	-1.0 - █	-1.0 + █	--- █
2. Direct comparison of prisons on promotion of self-discipline and responsibility in inmates (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.9 + █	0.9 - █	--- █
Inmate mean	-1.1 - █	-1.1 + █	--- █

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Single score tested for difference from zero ("about the same").

When staff and inmates at the private facility were asked to compare their experiences at the state facility to those at the private prison, they demonstrated opposing perspectives on the

dimension of order. Staff who transferred from the state to the private facility rated the private facility as "somewhat better" on order, control, and the promotion of self-discipline among inmates. The transferred inmates, on the other hand, regarded the state facility as being "somewhat better" in these regards.

This disparity between the two groups should not be unexpected, because what is desirable in terms of control is very different for staff and inmates. Tighter control is favored by staff, while greater freedom and more liberal operation have more appeal to inmates. Moreover, staff define "promotion of self-discipline" in terms of holding inmates responsible for their actions, while inmates view it in terms of "treating us like adults."

The belief by former state staff that order and control were improved in the private prison is substantiated by official record data, as shown in the table below.

### Inmate Misconduct

Table 5.B

<u>Inmate Misconduct</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived frequency of physical force by inmates against staff (0=never, 6=all the time)			
Staff mean	0.7 + +	2.0 - -	1.4 - +
Inmate mean	0.5 + ■	0.8 - ■	--- ■■
2. Perceived security of inmate personal property (0=very safe, 5=very unsafe)			
Inmate mean	2.7 - ■	2.1 + ■	--- ■■

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Proportion of inmates who report being punished in the last 6 months:			
a. with a major sanction	.15 +	.28 -	---
b. with a lesser sanction	.22 =	.28 =	---
4. Number of inmates written up	97 i	123 i	---
a. Proportion of 6 month population written up	.40 +	.53 -	---
5. Number of discipline reports	236 i	369 i	560 i
a. Rate per capita-6	1.0 #	1.6 #	0.4 #
b. Reports per inmate among those written up	2.4 #	3.0 #	---
6. Number of significant incidents of disturbance or incitement to riot	0 i	1 i	0 i
a. Rate per capita-6	.00 #	.00 #	.00 #

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Both survey and official records measures suggest there was a lower level of inmate misconduct at the private prison. The crucial data on this subject, however, are the records data.

Official records data in the area of inmate misconduct can be subject to a number of interpretations. A high rate of discipline reports could be an indication that inmates are unruly and difficult to manage. It could also be interpreted, however, as a system of strict enforcement of rules, or as a sign of on-line staff who are unable to deal with situations informally and efficiently. In making an assessment of these statistics, therefore, it is necessary to put them into context. The administration at the private prison had made a firm commitment to "go by the book;" this also tends to be the attitude of newly trained corrections officers, of whom there were many at the new prison. The state, on the other hand, was observed by researchers to be a professional but somewhat more informal regime. If anything, we would expect more misconduct reports at the private facility, but in fact the private prison had significantly fewer discipline reports. This difference is even more significant because, as was noted by DiIulio in his report, new institutions are commonly marked by a higher rate of inmate misconduct. Yet, a smaller portion of inmates were written up, and received fewer tickets

each, during the private prison's first six months than was the case at the state prison during the same season a year before. The lower rate of reports at the newly opened private facility seems to be an indication of successful management at that institution.

The private facility scored as well as, and usually better than, the state on all measures except for protection of inmate property, as perceived by inmates. When asked for comments on personal security and safety, several inmates at the private prison reported a high risk of property theft. Some of them suggested that the larger population size in each living unit increased the problem. Others complained of a problem with the electronic cell door control system. They said that correctional officers would open inmate cells, without making sure the entering inmate was in fact the resident of that cell. The administration recognized a theft problem and responded by equipping the cells and the open dorm cubicles with lockers controlled by the inmates.

The one meaningful point of comparison to the federal prison in Table 5.B indicates that each of the New Mexico prisons had a relatively high rate of discipline reports per inmate over the six-month reference period. Having a clear conduct record for six months is an important element in earning favorable classification changes or special privileges. The New Mexico prisons--with one to two discipline reports per inmate in the six-month population pool--had significant rates of misconduct and disciplinary activity, and thus large numbers of inmates did not have clear conduct records. However, due to a small number of high-rate offenders,<sup>1</sup> these group figures should not be misinterpreted; they do not indicate that every inmate had at least one report during that period. At Western, 53 percent of the inmates were written up at least once (with an average of 3 reports each); at CCA, 40 percent were written up (with an average of 2.4 reports each).<sup>2</sup>

While the private, and to a greater extent the state, inmates had high rates of getting into official trouble, the nature of their trouble was fairly mild. As shown in Table 13, Appendix A, only 10 to 12 percent of the "ticketed" offenders at Western and CCA were found guilty of major reports. About a third of the cases were dismissed and a little over half were found guilty of

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<sup>1</sup>At Western, 7 inmates accounted for 81 (or 22%) of the reports; at CCA, 8 inmates accounted for 57 (or 24%) of the reports.

<sup>2</sup>The federal data showed only the number of reports and not the number of inmates involved in them.

minor reports.<sup>3</sup> Only one instance at any of the three prisons over their respective six-month periods sounded serious on paper, but it turned out to be rather trivial.<sup>4</sup>

### Staff Use of Force

Table 5.C

<u>Staff Use of Force</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived frequency that staff have used force against inmates over a 6 month period (0=never, (6=all the time)			
Staff mean	1.3 + +	2.1 - =	2.0 - =
Inmate mean	1.5 = ■	1.7 = ■	--- ■■
2. Number of significant incidents in which force was used	1 i	11 i	1 i
a. Rate per capita-6	.00 ■■	.05 ■■	.00 ■■
3. Number of significant incidents in which restraint was used	0 i	14 i	6 i
a. Rate per capita-6	.00 ■■	.06 ■■	.00 ■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

According to the measures in Table 5.C--staff and inmate perception of staff use of force, and rates of significant incidents involving the use of force or restraints--the private prison was favored by indicators in this area, being as good as or better than the state and the federal prisons on each of the measures. While inmates did not differ much at all in their

<sup>3</sup>Common offenses at both prisons were refusal to obey an order, drug related acts, and problems with work assignments. At the state facility, 20% of the reports were for "violation of inmate rules," a category rarely used at the private prison.

<sup>4</sup>At the state prison there was one case of "disturbance or incitement," which consisted of two women encouraging a few others to join them in talking back to an officer.

perceptions of staff use of force (both groups perceived the use of force as occurring rarely), the staff at the two New Mexico prisons did differ significantly, with the better assessment going to the private facility. The federal prison was not rated much differently from the state prison on the survey, but records indicated a lower use of force.

Measures of use of force are not easy to interpret, especially where definitions and policies on both the use and the reporting of force may vary. "Force" may be as mild as holding an inmate's hands down while calming her, and restraints may be required by policy as a precautionary measure. However, the general direction of the findings here--a small but statistically greater use of force by staff at the state prison than at either of the others--probably did reflect a more frequent need for mild force as a result of more frequent incidents of disorder at the state prison.

As shown by Table 6 in Appendix A, the private prison had only one significant incident in its first six months: a minor assault on a staff member, requiring the use of force and resulting in segregation of the inmate. The federal prison also had only one significant incident involving force, and six involving restraints, but no details are available. At the state prison, however, records indicate that 27 inmates were involved in 24 significant incidents. Ten of these were inmate fights, 5 were drug related, 3 were physical or verbal assaults on staff, and the rest included attempted suicide, self-injury, disturbance or incitement, and refusal to obey orders. In 11 of the incidents force was required, and in 14 incidents restraints (handcuffs) were used.

### Perceived Control

Table 5.D

<u>Perceived Control</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Staff know what goes on among inmates (-3=strongly disagree, 3=strongly agree)			
Inmate mean	0.2 - ■	0.8 + ■	--- ■■■

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Agreement that staff have caught and punished the "real troublemakers" (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-1.4 = █	-1.0 = █	--- █
3. Perceptions of how much control <u>inmates</u> have over other inmates (0=none, 4=complete):			
a. During the day			
Staff mean	1.3 + +	1.9 - =	2.1 - =
Inmate mean	1.1 = █	1.3 = █	--- █
b. During the evening			
Staff mean	1.3 + +	1.8 - =	2.1 - =
Inmate mean	1.0 = █	1.2 = █	--- █
c. During the night			
Staff mean	1.1 = +	1.4 = =	1.7 - =
Inmate mean	0.9 = █	1.1 = █	--- █
4. Perceptions of how much control <u>staff</u> have over inmates (0=none at all, 4=complete):			
a. During the day			
Staff mean	2.9 + +	2.5 - +	2.3 - -
Inmate mean	3.1 = █	2.8 = █	--- █
b. During the evening			
Staff mean	2.8 + +	2.5 - +	2.1 - -
Inmate mean	2.9 = █	2.8 = █	--- █
c. During the night			
Staff mean	3.1 + +	2.8 - +	2.4 - -
Inmate mean	3.0 = █	2.8 = █	--- █

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(i) Informational    (+) Favorable    (-) Unfavorable    (=) Similar

While it may be desirable to inmates to have a good degree of personal control over their environment, from the standpoint of order and control, the better situation is one in which the staff maintain control over the inmates and the inmates have limited access to and influence over one another.

Inmates at the state prison and at the private prison were quite similar in their evaluation of the control levels of staff and of inmates. Inmates at both prisons saw themselves as having "very little" control over one another, and staff as having "a great deal" of control over inmates' activities.

Staff among the three prisons differed in a small but consistent and statistically significant fashion in their perceptions of levels of control by staff and by inmates. The private staff perceived a lower level of inmate control and a higher level of staff control than did the staff at either the state or federal prisons. The federal staff were lower than the state staff (a slight but statistically significant difference) in their perceptions of staff control over inmates.

The private prison staff often attributed their more positive assessment of order and control to the new facility design. For example, one staff member said, "The physical design of NMWCF provides for excellent visual observation of, and physical access to, all inmates at all times. The control centers were situated in a manner which allowed for maximum visibility of all inmates in all housing units. The staffing pattern was designed so that at least two correctional officers were available immediately in all areas of the institution in the event of an emergency which threatened the security of inmates or staff." Despite the much clearer lines of sight at the private prison, however, it is interesting that inmates there had a weaker perception that staff knew what went on among inmates than was the case at the state prison. If that perception was accurate (and it was a small difference in any case), it might have resulted from somewhat better communication between inmates and staff at the state prison. One of the site visitors (Dr. DiIulio) commented on some of the inmates' unusually strong expressions of hostility toward the private administration.

Strictness of Enforcement

Table 5.E

<u>Strictness of Enforcement</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of discipline reports that were:			
a. Dismissed	.35 = █	.35 = █	--- █
b. Guilty of a minor report	.53 = █	.55 = █	--- █
c. Guilty of a major report	.12 = █	.10 = █	--- █
2. Proportion of minor report convictions that received a sanction of:			
a. Warning/reprimand	.05 + █	.30 - █	--- █
b. 5-10 extra hours of duty	.35 = █	.44 = █	--- █
c. 15-20 extra hours of duty	.34 + █	.20 - █	--- █
d. 25-30 extra hours of duty	.26 + █	.06 - █	--- █
3. Proportion of major report convictions that received a sanction of:			
a. Segregation only	.24 - █	.03 + █	--- █
b. Loss of goodtime only	.10 = █	.00 = █	--- █
c. Segregation and loss of goodtime	.66 - █	.97 + █	--- █
4. Average number of goodtime days taken away	115 = █	115 = █	--- █
5. Average number of days to be spent in segregation	19 = █	19 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
6. Proportion of major report sanctions			
a. Suspended at committee level	.12 + ■	.32 - ■	--- ■■
b. Modified by warden	.00 + ■	.33 - ■	--- ■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Despite the fact that the two New Mexico prisons differed in the number of discipline reports written on inmates, those reports seem to have had similar outcomes. The rates of dismissals, and of minor and major report convictions did not differ significantly between the private and state facilities. There was a difference, however, in how the infractions were sanctioned. The private facility was generally stricter in punishing minor reports, while the state was stricter in punishing major reports.

Where discipline included segregation or denial of goodtime, the average sanction (measured in days) was identical between the state and private prisons. This probably was due to the fact that both prisons were strictly regulated by provisions in the Duran consent decree that specify limits on segregation or goodtime revocation and the infractions for which those sanctions may be imposed.

The proportion of major report sanctions which were suspended by committee or revised by the warden were much lower at the private prison, where the occurrence was less than half that at the state facility. This may suggest that the private prison's disciplinary system is more uncompromising. It also backs up statements made by the private warden and her line officers that greater responsibility and authority were vested in middle managers at the private prison than is typical in state systems.

In their survey comments, inmates at both prisons protested what they perceived to be a "write-em-up" mentality among the officers, but at the state prison there were fewer and less vehement complaints about restrictions on movement or other forms of "over-control." Instead, the state inmates tended more often than the private inmates to complain about lax security and frequent threats to their person and property.

Several inmates at the private prison complained that they were not given enough responsibility, freedom, or privileges. Others said that security and discipline were overemphasized and that staff would provoke inmates into misconduct. They did not dispute that order was high at the prison, but objected to the way it was achieved. As one resident put it, "This facility has

total control over all inmates during the day, evening, and night." Another said: "We have lost ALL of our freedoms and privileges. We have all literally been maxed out. Too much confinement."

### Summary

Table 5.1 Summary of Comparisons on Order

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	21	48%	6	14%	18	39%	.67
State	6	14%	21	48%	18	39%	.33

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	29	51%	7	12%	21	37%	.69
State	9	16%	25	44%	23	40%	.36
Federal	5	21%	11	46%	8	33%	.38

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Overall, the private facility demonstrated the highest level of order and control over its inmates and its institution. The state and the federal prisons were nearly equal on this dimension, both scoring more poorly than the private prison on the measures used here, but it cannot be said that there was any serious level of disorder at any of the three prisons.

In their site visit reports, DiIulio and Thomas each praised the state prison for its paramilitary, "spit and polish" emphasis on staff discipline and inmate control. However, each also noted that the private administration ran a much stricter regime than did the state. The warden at the state prison observed that if he were in charge of the new prison, he too would have used the transfer as an opportunity to reverse what he perceived to have

been a recent trend of "loosening up" at the state facility. Officials at the private prison noted that it is easier to start out tough and relax later, than vice versa. Thus, at least part of the greater emphasis on rules and order at the private prison may have been a normal, cyclical change, rather than a basic difference between state and private styles of governance.

In his report on Western, Dr. Thomas predicted that the need for a crackdown at the beginning of the private contract might create problems of order at the new prison.<sup>5</sup> It is significant that, while some inmates grumbled about "oppression" in the new prison, they did not rebel. As noted by Dr. DiIulio in his report on CCA, rates of disorder are often higher at new institutions and it is to the private prison's credit that despite the disruption of sudden change, the untried character of the new control structure, and the natural inclination of prisoners to test the limits of a new regime, rates of misconduct did not increase.

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<sup>5</sup>From the précis of Dr. Thomas' report on WNMCF (Appendix D): "Overall, security is satisfactory, but not to a degree I am comfortable with. The lax security could also pose some problem to CCA upon transition to the new facility. A change from a relaxed security environment to one of strict emphasis of policy and security could lead to a troublesome reaction by transferred inmates."

## 6. Care ("Keep Them Healthy")

When the state imprisons people, it exerts nearly complete control over their bodies. It is reasonable, therefore, to require the state to assume also some responsibility for maintaining the health of its prisoners. While some degree of physical and mental suffering is a normal and even intended consequence of imprisonment, it is not part of the legitimate purpose of punishment that it should create any significant deterioration of health, if that can, at a reasonable cost, be avoided. At a minimum, prisoners ought to be allowed to achieve, with their own resources, a level of health care that they could have achieved if they were not in prison. Additionally, if poor health is not a goal of punishment, prisoners without resources ought not to be any less eligible for whatever level of care society has decided to provide to other indigent citizens outside of prisons. In our society, with its emphasis on individual responsibility tempered by "safety net" welfare, this level is kept rather low.<sup>1</sup> Thus, health care for prisoners should be judged, not against an absolute or ideal standard of quality and quantity, but against the standard of basic health maintenance.

Most prisoners in the U.S. probably get more than minimally adequate health care, and better than they would be receiving at no cost on the outside. Certainly, that was the case in New Mexico at the time of this study. In recent years, the state has shown itself willing to commit extensive resources to medical care for prisoners. In 1985, the closest year for which comparative data were available, New Mexico spent more per inmate on health care services than any other state in the nation.<sup>2</sup> The NMCD Medical Director said at the time of this study that he wanted New Mexico to be the first state to achieve accreditation of its correctional medical system by the Joint Commission on Accreditation of Health Care Organization, a goal more ambitious than the more usual route of accreditation by the National Commission on Correctional Health Care.

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<sup>1</sup>We provide subsistence and emergency care, but not the complete care that is promised (more than delivered) under socialized medicine or national health insurance.

<sup>2</sup>At \$2,600 per inmate, New Mexico spent more than twice the national average of \$1,171. The next two states were Alaska (\$2,423) and Minnesota (\$2,039). The lowest reported figure was the state of Washington, at \$461 per inmate. Timothy J. Flanagan and Katherine M. Jamieson, ed.s, Sourcebook of Criminal Justice Statistics--1987 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1988), p. 92.

In view of New Mexico's special commitment to quality correctional health care, it should not be surprising to learn in the following pages that it was here, on the dimension of "Care," that the state performed strongest in comparison to both the private and the federal operations.

Care, General

Table 6.A

<u>Care, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on services for inmates (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	1.0 + █	1.0 - █	--- █
Inmate mean	-1.3 - █	-1.3 + █	--- █
2. Direct comparison of prisons on health care (-2=state much better, 2=private much better) <sup>a</sup>			
Inmate mean	-0.1 = █	-0.1 = █	--- █

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Single score tested for difference from zero ("about the same").

When asked about "services" in general, inmates and staff at the private prison who cited prior experience at the state prison displayed their usual pattern of disagreement. The staff regarded services as "somewhat better" at the private facility; the inmates rated services at the state prison as "somewhat better." However, the inmates were not as negative about health care in particular as they were about services in general. On health care, the inmates on the average rated the private prison as "about the same" as the state prison.

In their written comments added to the survey section on "services and programs," inmates complained about medical care more often at the state prison (26% of comments) than at the private facility (15% of comments). Comments at the private prison centered most often on difficulty of obtaining care at night or on weekends. At the state prison, complaints were stronger and more global. Charges were made of incompetence and of insufficient staff and equipment. The prison's primary

physician, a surgeon, was frequently and strongly criticized, with claims of malpractice and unnecessary surgery. While their written comments were harder on the state prison, several inmates at the private prison did voice strong verbal grievances on medical care to one of the study's consultants. Professor DiIulio reported these grievances with a mixture of skepticism and concern.<sup>3</sup> However, DiIulio was equally concerned in his report on the state prison, where he felt that health and medical services were not in sufficient supply to meet demand. Professor Thomas, in his report on the state prison noted that "significant resources" were allocated to medical, psychological, and psychiatric services but he did not express an opinion as to whether they were sufficient. At the private prison, he noted that inmates were critical of medical care but his "strong impression" was that medical services were "of reasonable quality and [were] readily available."

During our site visit at the state prison in the fall of 1988, we encountered one refrain repeated with remarkable consistency by administration, line staff, and inmates alike. They all noted that medical resources at the state prison were stretched very thin and they expressed skepticism that a private company could deal with the heavy medical demands of female inmates and still make a profit. However, the empirical indicators examined in this chapter will show that the private prison was able to provide medical service about as much and as good as the state. Indeed, the Director of Medical Services in the NMCD central office, though understandably partial to his own system, concluded that the level of care offered by the private prison's clinic was fully satisfactory: "NMWCF has developed a good health care unit, adequately equipped and staffed, providing good medical and dental care, and meeting, in my opinion, the Consent Decree requirement for 'adequate medical and dental services needed to maintain basic health.'"<sup>4</sup>

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<sup>3</sup>From DiIulio's report: "Many inmates, however, complained of a lack of health care and other services; some charged that the administration was trying to 'pacify' the population by legally distributing legal drugs to more and more of the 'stressed-out' women. A number of inmates gave specific examples of inadequate medical treatment and foul-ups (e.g., a wheelchair-bound inmate who alleged that she was mistakenly given treatment for another inmate with the same last name). . . . In the aggregate, I do not believe these charges to be founded in fact; however, the charges were repeated so often, and by so many disparate groups of inmates, that they cannot be discounted entirely."

<sup>4</sup>Memo from Medical Director to Deputy Director, New Mexico Corrections Department, February 5, 1990.

Stress and Illness

Table 6.B

<u>Stress and Illness</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Inmate stress scale: average of 9 items reporting feelings of mental, physical, and emotional strain (0=never, 3=few times a month, 6=every day)			
Inmate mean	3.6 - ■	3.0 + ■	--- ■
2. Average number of days an inmate was ill or injured	23 - ■	12 + ■	--- ■
3. Average number of days an inmate was seriously ill enough that medical help was needed but did not go to sick call	8 = ■	3 = ■	--- ■
4. Number of significant incidents involving suicide attempts or self-injury	0 i	4 i	3 i
a. Rate per capita-6	.00 ■ ■	.02 ■ ■	.00 ■ ■
5. Number of significant incidents requiring first aid or infirm-ary visit	0 i	16 i	3 i
a. Rate per capita-6	.00 ■ ■	.07 ■ ■	.00 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Measures of stress and illness were derived from two sources: inmate surveys and official records. Inmates at the state prison reported less stress and illness than inmates at the private prison. Official record counts of suicide attempts and self-mutilations were all quite low, and there were no significant differences between the private, state, and federal prisons. The records on significant incidents at the state prison did show a greater number of incidents requiring medical attention, but most of them were quite minor.

Of all the measures in Table 6.B, probably the most meaningful is the stress scale, which moderately favors the state prison.

On the average, inmates at the state prison reported experiencing symptoms of stress about once a month; at the private prison, they experienced the symptoms more than once a month but less than once a week.

Across all the measures of need or demand for medical care, there is no clear pattern favoring either the private or the state prison, although the state facility has a differential margin of one positive indicator. We could interpret equal demand as reflecting equal quality of environment, but to have much confidence in that interpretation we would need to know how much of the demand was spurious and how much was real, and of the real demand how much was the "fault" of conditions inside the prison. Unfortunately, we do not have this information.

Vincent Nathan, special master for New Mexico's Duran decree, has suggested that "the less well-managed and intelligently administered a prison is, the greater will be the demand for access to medical services and facilities."<sup>5</sup> The reason for this is that many aspects of the quality of life in a prison create demands for health care that are both genuine and spurious. Poor nutrition, depression, violence, poor sanitation, inadequate climate control, or lack of exercise may lead to real health complaints. Alternatively, the safety, cleanliness, and social contact of the infirmary may be sought even by the healthy or those with only minor complaints, as a form of relief from boredom, crowding, isolation, squalor, tension, or danger.<sup>6</sup>

This observation suggests that empirical indicators of the demand for health care may be used as negative indicators of prison performance, while measures of supply for a given level of demand could be used as positive indicators. The indicators in Table 6.B (self-reports and significant incidents) are measures of demand that are relatively independent of supply. Hence, they were interpreted as "more is worse." The indicators considered next, in Table 6.C, are measures of supply (as well as demand) and thus are interpreted as "more is better." This interpretation is aided by the fact that the state and private prisons came out about the same on those measures of demand that are independent of supply.

By making an assumption of equal need (see Table 6.B), we can interpret measures of health services delivered (Table 6.C) as positive indicators of quality.

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<sup>5</sup>Vincent M. Nathan, "Correctional Health Care: The Perspective of a Special Master," The Prison Journal, vol. 65, No. 1 (Spring-Summer, 1985), p. 77. Reasoning backward, to infer prison quality from care demand, is logically fallacious (affirming the consequent) but still at least suggestive.

<sup>6</sup>Ibid., pp. 76-77.

Health Care Delivered

Table 6.C

<u>Health Care Delivered</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates who used medical facilities other than for emergency problems	.79 i	.62 i	---
a. Proportion of those who used the facilities who felt the problem was properly taken care of	.53 =	.46 =	---
2. Proportion of inmates who reported having had emergency medical treatment	.32 i	.20 i	---
a. Proportion of those who received emergency medical treatment who felt that it was adequately handled	.59 =	.39 =	---
3. Total clinical contacts	3,890 i	3,335 i	---
a. Rate per capita-6	15.9	14.5	---
4. Number of general sick calls	1,859 i	1,419 i	---
a. Rate per capita-6	7.6	6.2	---
5. Number of medical appointments	891 i	711 i	---
a. Rate per capita-6	3.6	3.1	---
6. Number of physicals and TB tests	279 i	265 i	---
a. Rate per capita-6	1.1	1.2	---

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
7. Number of lab appointments	352 i	154 i	--- ■■■
a. Rate per capita-6	1.4 # ■■	0.7 # ■■	--- ■■■
8. Number of miscellaneous clinic visits <sup>a</sup>	118 i	157 i	--- ■■■
a. Rate per capita-6	0.5 # ■■	0.7 # ■■	--- ■■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Medical x-rays, optometry visits, and glasses dispensed.

Measures of "health care delivered" can lend some insight into the issues of availability and quality of health care services. Inmates at the private prison and at the state prison reported on their use of medical facilities and on the quality of the services they received there. There was no significant difference between the facilities on these items.

The logs of the medical clinics at the prisons provided additional measures of the provision of health services, such as total clinical contacts, sick calls, medical appointments,<sup>7</sup> routine physicals or TB tests,<sup>8</sup> lab tests, and miscellaneous clinic visits<sup>9</sup>. On the assumption of roughly equal levels of nonspurious demand, these indicators of supply are interpreted positively, as measures of real needs fulfilled.<sup>10</sup> That is, more

<sup>7</sup>Doctor, nurse practitioner, and follow-up appointments.

<sup>8</sup>At CCA, I was not able to count physicals and TB tests, so I used an estimate. By policy, there are supposed to be two TB tests per intake, and at Western that is exactly how it worked out. Since the policy was the same, the count for CCA was estimated at two per intake. The situation was the same for physical exams, except that the policy was one per intake. Thus, this particular comparison could be discounted on the grounds that the measure was artifactual for the private prison. However, on the basis of reliable information that the private facility did live up to the policy of one-plus-two per intake, I regard this measure as accurate.

<sup>9</sup>Medical x-rays, optometry visits, and glasses dispensed.

<sup>10</sup>One component of the "miscellaneous clinic visits" indicator--the number of eyeglasses dispensed--is interesting because it is relatively insensitive to spurious demand. On this component, the private and state prisons were nearly identical. They dispensed eyeglasses at virtually the same per capita rates: .16 at WNMCF and .17 at CCA.

is seen as better.<sup>11</sup> On these more objective and quantitative measures of services received, the private prison fared as well as or better than the state.

Above the level of basic care, however, there must be some point past which more and better is not preferable. The demand for free medical care may be insatiable and prisoners are not entitled to receive just as much of it as they wish. All the evidence suggests that both of the women's prisons in New Mexico, public and private, were supplying more than adequate medical care. Aside from the question of quantity and quality, however, it is interesting to look at some differences in how this care was provided.

At the level of basic medical and dental care, CCA followed guidelines from the NMCD. Above the basic level, however, the medical staff at the private prison had more discretion than their state facility counterparts. Elective procedures at the state prison had to be approved by a Corrections Department board. Despite external review, the state prison was more liberal with elective surgery, according to the Nurse Practitioner who had worked at both prisons. She reported that surgery and other medical care that could be postponed until after release was ordered less often at the private prison than at the state, where the primary physician was also the surgeon who performed most of the elective operations. Speaking of the private prison, she said, "There may be more of a tendency to be cost conscious here. I feel obligated to scrutinize bills but I feel no constraint from CCA on what I can order."

At both prisons, intake physicals were done most often by a nurse practitioner or a physician's assistant. The state prison had more trouble filling those mid-level positions, resulting in a constant and sizable backlog. The Nurse Practitioner at the private prison reported that when she worked with the women at the state facility, "we usually were on an average two weeks behind on intake, which means we were often much farther back

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<sup>11</sup>In at least one area of medical supply, more is not necessarily better. The NMCD Medical Director was concerned about the potential for over-prescribing of drugs at the private prison. At the state prison, drugs were ordered through a central supplier and reviewed by one statewide consulting pharmacist. At the private prison, drugs were ordered locally and reviewed by a local pharmacist. The state medical director felt that this gave the local pharmacist an incentive not to recommend restraints on the prescribing of drugs. On the other hand, at Western, they stored larger stocks of medicine and ordered them out of their own supply while at CCA they stored few drugs. Thus, CCA may have been constrained by their pharmacy procedure, which required a new and separate order to be filled every time the staff doctor or nurse practitioner wrote a prescription.

than that. Here [at the private prison] we do the intake [including physicals] within 24 hours."

Medical facilities and equipment at the two prisons were comparable in most respects (examining room, dental equipment, x-ray equipment). At the state prison, however, the infirmary had no beds for overnight stays; at the private prison there was one room with bed in the infirmary and five adjoining cells that could be used for overflow.<sup>12</sup>

### Dental Care

Table 6.D

<u>Dental Care</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates who received dental treatment	.43 i	.78 i	--- ■■■
a. Proportion of those who received dental treatment who felt that it was adequately handled	.53 - ■■	.69 + ■■	--- ■■■
2. Number of dental visits	391 i	514 i	--- ■■■
a. Rate per capita-6	1.6 ■■■	2.2 ■■■	--- ■■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Inmates who reported having received dental treatment during the reference period were asked whether they found the services to be adequate. A greater proportion of inmates at the state facility were satisfied with the quality of dental services than at the private prison. The official records at the state prison also showed a greater rate of dental visits per inmate, which can be interpreted as greater inmate access to dental services.

Each facility had a dental office with equipment for x-rays, cleaning, fillings, and other aspects of routine dental care. The private prison employed a dental assistant who also doubled as the medical records clerk; the state prison employed one dental assistant for both the male and female inmates, plus a part-time dental hygienist. At each institution, a local dentist

<sup>12</sup>The official purpose of those cells was for temporary holding on intake but they rarely needed to be used for that.

would come in on certain days of the week and appointments would be made in town for nonroutine dental work.

Counseling

Table 6.E

<u>Counseling</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. The alcohol and drug counseling services have been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.3 = █	-0.4 = █	--- █
2. Other counseling services have been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.4 = █	-0.5 = █	--- █
3. Proportion of inmates who report having participated in some kind of counseling:			
a. Drug/alcohol counseling	.50 = █	.51 = █	--- █
b. Therapy	.31 i	.36 i	--- █
c. Psychology/psychiatric	.27 i	.32 i	--- █
4. Psychologist contact cases per capita for one month <sup>a</sup>	0.8 █ █	2.0 * █	--- █
5. Number of contact hours per contact case for one month <sup>a</sup>	.94 * █	.37 █ █	--- █
6. Proportion of inmates who were involved in the following programs:			
a. Psychology/psychiatric; includes substance abuse	.28 - █	.67 + █	--- █
b. Employment and pre-release counseling	.20 = █	.26 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
7. Number of psychiatric visits (over a 6 month period)	0 i	115 i	---
a. Rate per capita-6	0.0 ■ ■	0.5 ■ ■	---

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>October, 1988 for State; July, 1989 for Private.

When evaluating the services offered to inmates by a prison, there are two principal concerns: availability and quality. The official records from the two New Mexico prisons show that the state psychological staff had more than twice as many contacts with inmates as the private prison psychologist did during the reference period (greater availability). The contacts made at the private facility, however, averaged about one hour each as opposed to less than half an hour at the state (greater quality). The prisons also differed on overall inmate participation in psychological, psychiatric, and substance abuse programs: 67% at the state versus 28% at the private facility. It should be noted, however, that these figures may be influenced by a delay in hiring a staff psychiatrist at the private facility until the end of the reference period for this study.

Inmates at the state and private prisons reported equal degrees of participation in counseling and equal degrees of satisfaction with that service. A breakdown of the psychologist's activities at each prison (see Appendix A, Table A.8) shows an equal amount of individual treatment but greater involvement of the state psychologist in group treatment and crisis contacts, while the private prison's psychologist had more contact during intake.

### Staffing for Programs and Services

Table 6.F

<u>Staffing for Programs and Services</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Number of program or services delivery staff (FTE): <sup>a</sup>			
a. Medical clinicians <sup>b</sup>	9.7 i	4.9 i	14 i
b. Education/work	7 i	8 i	25 i
c. Psychology/counseling	<u>1.4</u> i	<u>2</u> i	<u>10</u> i
d. TOTAL	18.1 i	14.9 i	49 i

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Number of inmates (average daily resident population) per FTE staff position in programs or services:			
a. Per medical clinician <sup>b</sup>	17 <del>+</del> <del>+</del>	29 <del>-</del> <del>+</del>	66 <del>-</del> <del>-</del>
b. Per education/work staff	24 <del>-</del> <del>+</del>	18 <del>+</del> <del>+</del>	37 <del>-</del> <del>-</del>
c. Per psychologist/counselor	118 <del>-</del> <del>-</del>	70 <del>+</del> <del>+</del>	92 <del>+</del> <del>-</del>
d. Per total program/service staff	9 <del>-</del> <del>+</del>	9 <del>-</del> <del>+</del>	19 <del>-</del> <del>-</del>
3. Program or services delivery staff as a proportion of total staff <sup>c</sup>			
	.18 = =	.18 = =	.21 = =

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Excludes administrators and clerks in service departments. Full Time Equivalency (FTE) values used for the part-time staff and contractors at Private and State.

<sup>b</sup>For State, the medical clinicians were counted as being half on the women's side (CCW) and half on the men's side (RDC). Only the "CCW" half is counted here.

<sup>c</sup>Using FTE values for both Private and State staff. For State, staff total here is the 87 "CCW" staff, counted as 84.37 FTE.

Another measure of the capacity to deliver (and possibly the quality of) health services is the ratio of inmates per staff member. Lower ratios signal greater availability and perhaps better attention. While there were some difference in specific service and program areas, overall, the private and state prisons maintained an identical inmate to staff ratio: nine inmates per program/service staff position. The federal program and services staff were not as accessible to inmates: that ratio was 19 to 1. There were no differences among the prisons on the commitment of manpower to programs and services as opposed to security, administration, and other functions.<sup>13</sup>

<sup>13</sup>The proportion of staff assigned to services and programs, and the number of such staff relative to the number of inmates, are interpreted here as saying something about "Care" rather than "Activity" (the next chapter). That is, the focus is not on the activities of inmates but on the extent to which the institution dedicates its resources toward delivery of services and programs aimed at promoting the welfare of inmates. Thus, the number of program and activities staff is counted as a measure of institutional orientation toward "Care," while the amount of inmate involvement in activities will be counted later as a measure of "Activity."

Given the State of New Mexico's extremely high level of spending on correctional health care, it is interesting that the private prison employed more medical clinicians (and more per inmate) than did the state. This comparison is made with adjustment for the fact that the medical personnel served both male and female inmates at the state prison. Examination of medical records indicated that medical demand was about half male and half female, so for purposes of this analysis medical positions were divided evenly into the men's side (RDC--Reception and Diagnostic Center) and the women's side (CCW--Correctional Center for Women).

Table A.9 in Appendix A shows a breakdown of the medical positions for the state and private prisons. The state was heavier on medical administrators and clerks but lighter on mid-level practitioners. Also, the state had high turnover and chronic vacancies in its Nurse Practitioner and LPN positions, while the private company did not. The private prison's advantage in keeping its mid-level clinicians was not the result of higher salaries. Rather, the private prison gave its practitioners higher status and more responsibility while requiring less paperwork.

At the state prison, the health department was very hierarchical and organized on the basis of position classification, rather than function. Registered Nurses were above Physician's Assistants, who were above Nurse Practitioners, regardless of duties. The administrators had more pay, power, and status than the clinicians. The top clinic administrator was a doctor who performed no clinical functions. At the private prison, there were no civil service step levels or other non-functional distinctions. The clinic was run by a Nurse Practitioner who answered directly to the warden in her role as an administrator and to the prison's primary physician in her role as a practitioner.

The Director of Medical Services in the New Mexico Corrections Department expressed pride in the quality of the private prison's medical staff, praising the Nurse Practitioner administrator and the consulting physician. However, he thought they were overworked and he complained that the private prison, unlike the state, did not have a good system for feeding him regular information on all their activities. He thought it was disadvantageous for the Nurse Practitioner to double as the administrator. The Nurse Practitioner, however, argued strongly in favor of that arrangement. She believed that it was more efficient and effective to put authority in the hands of the clinical staff. She recalled arguing for years at the state prison to change certain forms and procedures, without success; when she came to the private prison, she simply checked with the warden and then did it. Although she was paid less than she could earn working for the state, she very much preferred the private setting. "Here,"

she said, "there's less of a problem of being administered in absentia." The NMCD Director of Medical Services acknowledged her point of view, saying, "She has greater authority and it is a more controlled situation. She has the control. If anybody can control it, she can because she is the boss." While the Nurse Practitioner appreciated her autonomy, the state Medical Director saw it as detracting from standardization of practices through centralized quality control. He particularly missed the highly detailed monthly statistical reports enumerating all the on-site and off-site activities of the clinic.

### Summary

Table 6.1 Summary of Comparisons on Care

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	8	26%	10	35%	13	39%	.47
State	10	35%	8	26%	13	39%	.53

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	11	29%	11	32%	16	39%	.50
State	14	39%	9	24%	15	37%	.57
Federal	2	14%	7	50%	5	36%	.32

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

The state carried the highest quality index (.57) of the three prisons on the dimension of "Care." The private prison was not

far behind it (.50), while the federal prison rated much lower than the two New Mexico prisons (.32).<sup>14</sup>

The dimension of "Care"--which means primarily health care--was the only dimension on which the state outperformed the private prison. On the other hand, the private facility did not fall very far short of the state and it did outscore the federal prison. This suggests that there is not something about medicine that makes it hard for the private sector to compete with government. Rather, there seems to be something about the New Mexico Corrections Department that makes it more competitive in the area of health care than in the other areas measured in this study.

At the beginning of this chapter, I described the strong commitment of resources that New Mexico has made to correctional health care. Since many of the indicators employed here are basically measures of the amount of services provided, it is understandable that the state would score high in this area. But why would a cost-conscious private company so nearly match the highest-spending state? Probably because a state committed to providing a particular service itself will convey this commitment as an expectation to any private contractor that it hires to provide that same service.<sup>15</sup>

In addition to the state's own concern with health care, it had to respond also to the requirements of an extensive court order that applied to all of its higher security facilities, including the women's prison. Medical and mental health care were two of the thirteen areas subject to monitoring under the Duran consent decree. Unfortunately, we do not have much monitoring information on those subjects for either the state or the private prison during their respective reference periods. In the Special Master's report for the state prison, based on a visit in June, 1988, medical and mental health were the only two areas not examined. For the private prison, there was no Special Master's report at all during the first six months, but the state's compliance monitor at the institution did produce his own report

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<sup>14</sup>It should be noted that the federal rating has limited reliability and substantive value, since it is based on a small number of indicators, primarily in the area of staffing.

<sup>15</sup>It is interesting to note in this connection that about a year after contracting with one private company to run its women's prison, New Mexico contracted with another company to provide medical services to all of its correctional facilities. The decision was motivated by a desire in the legislature to cut costs, but The NMCD Medical Director made it clear that there would be no relaxing of standards and expectations of quality. He was skeptical of the company's ability to do as well or better for less, and would not be shy about blowing the whistle on them if they did not, but in the meantime, he was cooperating with the experiment.

at the end of November, 1989. In that report, he included a checklist of Duran provisions, noting those which he had audited and the results. Of 96 provisions on medical care, he audited 82 and found only one in noncompliance. Of 27 provisions on mental health, he audited 23 and found noncompliance for two. The unmet medical provision was a requirement to have a physician or physician's assistant on duty 24 hours a day. Neither the state nor the private prison met this requirement; each had doctors on call around the clock, but not on duty. The unmet mental health provisions were: (1) a requirement for separate housing for the mentally ill or retarded (the state prison did not have such housing either); and (2) a requirement for a set of written policies and procedures for mental health program staff, which were in the process of being developed and were covered also in the nearly completed inmate handbook. In Santa Fe, the NMCD's chief compliance monitor said that medical was the only area where he had doubts about the private prison's compliance with Duran, but he also noted that this was a general problem across all their facilities.

## 7. Activity ("Keep Them Busy")

Humans are not meant to be idle. That simple fact, rather than any hypothesized link to rehabilitation, is what justifies programs inside prisons. Such programs may also help authorities to maintain order, but that, too, is a secondary benefit. The primary justification for work, recreation, education, and other programs is that they are essential to the human condition. This does not mean that they must be provided in unlimited degree or at great expense.<sup>1</sup> But their total, enforced absence would be inhumane and not an ordinarily intended aspect of punishment. Thus, meaningful activity is a component of prison quality that must be made available at least at some minimal level of quantity and quality.

On the dimension of "Activity," there were far more similarities than differences between the state and private prisons. What differences there were, however, tended to favor the private over the state prison and each of those over the federal prison.

### Activity, General

Table 7.A

<u>Activity, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on positive activities for inmates (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + █	0.8 - █	--- █
Inmate mean	-1.4 - █	-1.4 + █	--- █

<sup>1</sup>Ideally, in my view, offenders would not even be provided with these activities; they would simply be allowed, or given the opportunity, to create them for themselves, at their own expense and for their own benefit. See J. Roger Lee and Laurin A. Wollan, Jr., "The Libertarian Prison: Principles of Laissez-Faire Incarceration," Prison Journal 65(Autumn/Winter 1985): 108-121.

(continued)

PrivateStateFederal

2. Inmates usually have things to do to keep them busy  
 (-3=strongly disagree,  
 3=strongly agree)

Inmate mean

-0.2 = ■■■

0.1 = ■■■

--- ■■■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Single score tested for difference from zero ("about the same").

When inmates at both New Mexico prisons were asked to evaluate whether activities at their prisons kept them sufficiently "busy," both groups responded inconclusively (about equal numbers in each group agreed and disagreed that activities kept them busy). In the comparison item--asked of inmates and staff at the private prison who had prior experience at the state prison--staff regarded activities at the private facility as "somewhat better," while inmates rated activities as somewhere between "somewhat" and "much" better at the state institution.

No inmates were truly idle in either prison; all who were eligible<sup>2</sup> were enrolled in programs of work, school, or both. However, in their survey comments on programs and services, inmates at both prisons complained frequently about education (36% of comments at the state prison, 57% at the private), about work (7% of comments at the state prison, 15% at the private), and about a general need for more programs (12% of comments at the state prison, 10% at the private).<sup>3</sup> "Activity" was second only to "Living Conditions" in the degree to which inmates compared the private prison unfavorably relative to the state facility.<sup>4</sup>

One reason for the inmates' relative discontent with activities at the private prison during its first six months was the delay in initiating parts of the education and work programs. Partly as a result of delays by the legislature in releasing funds for the new prison contract, CCA did not have in place, by the time the institution opened, all of the subcontracts necessary for full operation of its education program; nor did it finish in time all of the aspects of construction necessary for a smooth transfer of the prison industries operation from the state

<sup>2</sup>Inmates who were on medical idle, out to court, in segregation, or undergoing intake and classification were not eligible for programs.

<sup>3</sup>See Appendix A, Tables A.31 and A.33.

<sup>4</sup>See Table A.19 in Appendix A.

to the private prison. Thus, during the reference period of this study (June through November, the prison's first six months), there were no college courses available for the women and prison industry jobs did not become available until late in the period.<sup>5</sup> One of the study's consultants, Dr. Thomas, criticized the private prison for this lapse, in a report on the period of transition from public to private operation.<sup>6</sup>

### Work and Industry Involvement

Table 7.B

<u>Work and Industry Involvement</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. <i>Involvement in prison industry, work release, or institutional jobs on reference date:</i>			
a. <i>Proportion eligible</i>	.84 i	.82 i	.94 i
b. <i>Proportion working</i>	.52 = -	.61 = -	.94 + +
2. <i>Proportion of eligible inmates involved in:</i>			
a. <i>Prison industry</i>	.12 = -	.14 = -	.44 + +
b. <i>Work release</i>	.06 = +	.05 = +	.00 - -
c. <i>Institutional jobs</i>	.44 = =	.56 = =	.50 = =

<sup>5</sup>At the state prison, college courses were provided through a contract with the College of Santa Fe. The private prison negotiated a new contract with the University of New Mexico. However, UNM officials delayed so long on their end that an agreement was not in place in time for the fall semester; the contract became effective in January, after the reference period of this study. The state-run prison industries program could not be moved directly from the state to the private facility until certain renovations (a partition and a drain) were completed. During the delay, the business lost customers, so a two-month period of complete shutdown was stretched into additional months of underemployment.

<sup>6</sup>From Dr. Thomas's report: "Education, prison industry, and recreation programs were not fully operational at the time of the site visit, more than a month after the transfer. Inmates were left with little in which they could become actively involved."

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Average work hours per week among employed inmates	29.5 ■ ■ ■	32.2 ■ ■ ■	--- ■ ■ ■ ■ ■

(i) Informational    (+) Favorable    (-) Unfavorable    (=) Similar

The number of inmates eligible for work and industry involvement (and also for educational and other programmatic activities) was determined by subtracting from the total resident population those inmates who were in segregation, on medical idle, or out to court. Table 7.B shows that the state and private prisons were indistinguishable on items of inmate employment, while a number of differences existed at the federal prison. These differences between the federal and the New Mexico prisons can be attributed to differences in policy. At the private and state prisons, an inmate who was eligible for work was not necessarily required to maintain a job, provided she was enrolled in a full-time education program. At the federal prison, on the other hand, all inmates were required to perform some sort of institutional or prison industries job. The federal facility did not operate a work release program, but the prison industries program at the federal prison was much more diverse and developed, and employed a greater proportion of inmates.

At the private prison, a slightly (but not significantly) smaller proportion of the population was involved in work programs because a larger proportion was going to school full time.<sup>7</sup> In spite of the delay in starting up the prison industries program, by the time these data were gathered the proportion of inmates employed in industries was as high as it had been inside the state prison. Also, the proportion of eligible inmates involved in work release was about the same in the state and private prisons. This is noteworthy because several of the private prisoners complained loudly about the lack of work release opportunities in the new prison.<sup>8</sup>

<sup>7</sup>See Appendix A, Table A.10.

<sup>8</sup>These prisoners did have a point, but just a small one, since even at the state prison there were at the best of times only a few work release jobs. At the state prison there were six women on work release, of whom four were on a highway crew and two had jobs in town. At the private prison there were eight women on work release, all of whom were on a highway crew. Work release jobs other than highway crew were not easy to find in the depressed local economy of Grants. At the time of this study, the private prison was trying to arrange for work release jobs in Albuquerque, the city from which many of the women came and to which many would eventually be released.

In a section for comments on services and programs, five of the inmates surveyed at the state prison offered criticisms of the work program, compared to twelve of the inmates surveyed at the private prison. The complaints were similar: not enough work, not enough pay, training inadequate or nonrelevant skills. An exaggerated claim by several inmates that there were "no jobs" or "no work programs" at the private prison clearly did not reflect reality at the time of the survey (end of November) but it may have been closer to the truth earlier in the startup phase.

Institutional jobs were the main source of employment at all three prisons. These jobs were somewhat fewer at the private prison than at the state because the private warden was less willing, for security reasons, to allow inmates to do clerical work in administrative offices.

Only at the federal prison was there a significantly developed prison industry. In the two New Mexico prisons, the prison industry consisted of a small micrographics shop employing about 17 inmates to microfilm state agency records for storage. The program was not turned over by contract to the private company; rather, it was run by the same state employee before and after its physical transfer from the state to the private prison. It was hoped that the private prison's larger physical plant would allow the shop to double its business, but that had not happened by the time of the study. Before and after the transfer, it was difficult to get state agencies to release their records for copying at the prison and without a steady flow of business the shop was often closed while the manager was out seeking new sales.

### Work and Training Evaluation

Table 7.C

<u>Work and Training Evaluation</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. The work training program has been satisfactory (-3=strongly disagree, 3=strongly agree)	-1.0 = ■	-0.7 = ■	--- ■■■
Inmate mean	-1.0 = ■	-0.7 = ■	--- ■■■

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Have the vocational training courses provided skills that are useful? (-2=definitely do not, 2=definitely do)			
Inmate mean	0.1 = █	0.6 = █	--- █
a. Perceived importance of learning the information presented in class (-3=very unimportant, 3=very important)			
Inmate mean	1.7 = █	1.4 = █	--- █
b. Perceived understanding of the information presented in class (0=have not understood, 3=have understood completely)			
Inmate mean	1.9 = █	2.5 = █	--- █
3. Number of grievances that involved problems with work	3 i	4 i	--- █
a. Rate per capita-6	.01 █	.02 █	--- █

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Inmates at each of the New Mexico prisons were asked to evaluate the work training programs at their respective prisons. There were no significant differences between the responses of the private and the state groups of inmates. Both groups regarded their work training programs as less than satisfactory. However, the inmates at both prisons who participated in vocational training courses agreed somewhat that the skills taught in classes were important and were understood well by the students taking the course, but they were uncertain of the subject matter's usefulness. In neither prison were there many problems with work that were serious enough to prompt the filing of an official grievance.

Education Involvement

Table 7.D

<u>Education Involvement</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates who report having participated in some educational program	.65 = ■	.72 = ■	--- ■
a. Educational	.60 i	.69 i	--- ■
b. Social education/pre-release skills	.24 i	.15 i	--- ■
2. Enrollment in education or vocational education classes on reference date:			
a. Proportion eligible	.84 i	.82 i	.94 i
b. Proportion enrolled	.44 = +	.37 = +	.20 - -
3. Proportion of eligible inmates involved in the following programs:			
a. Adult basic education	.06 = =	.11 = =	.08 = =
b. Secondary education	.08 = =	.10 = =	.07 = =
c. College education courses	.00 - =	.18 + +	.00 = -
d. Vocational education	.38 + +	.21 - +	.06 - -
4. Average class hours per week in education or vocational education programs	30.4 ■ ■	17.6 ■ ■	--- ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The two New Mexico prisons did not differ significantly in overall involvement in education, but they did differ by type of class. Due to a delay in arrangements with a local university branch, college courses were not available at the private prison until just after the reference period of this study. As a result, the private prison had a lower percentage of inmates taking college courses and a higher percentage in vocational education.

Vocational education was substantially similar in content at the state and private prisons. Courses were offered in computers and office practices, hotel management and travel arrangements,

accounting and other business skills, keyboarding, typing, word processing and other clerical skills, and "nontraditional occupations." About five or six inmates at each prison wrote comments on their surveys calling for more and different vocational courses.<sup>9</sup>

Participation in education programs at both New Mexico prisons appeared to be high: between two-thirds and three-fourths of inmates participated in some education program during the six month reference period. In contrast, The federal facility had a much lower participation rate in the educational and vocational education programs; only 20 percent of eligible inmates were enrolled, about half the level at either the private or the state prison.

There was a significant discrepancy between the state and private prisons, however, on hours of class time per week. The private facility had a much more intensive course structure. Inmates spent more time in fewer classes each week, and thereby could move through courses more quickly. At the state prison, courses were organized into a 13-week semester schedule, which meant that a new student might have to wait up to three months for the next chance to enroll. At the private prison, courses were organized into 4-week modules. Thus, there was much less delay in getting into a new program. To encourage students to take classes full-time, rather than mixed with jobs, the private prison paid inmates a low-end wage to be in school.

### Education Evaluation

Table 7.E

<u>Education Evaluation</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. The general education program has been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.5 = ■■■	-0.2 = ■■	--- ■■■■

<sup>9</sup>There was no way to avoid this complaint. At the state prison, inmates called for more typing; at the private facility, they complained there was too much of that.

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Have the academic courses provided useful skills? (-2=definitely have not, 2=definitely have)			
Inmate mean	0.1 = █	0.1 = █	--- █
a. Perceived understanding of the information presented in class (0=have not understood, 3=have completely understood)			
Inmate mean	2.0 = █	2.0 = █	--- █
b. Perceived importance of the information presented in class (-3=very unimportant 3=very important)			
Inmate mean	1.4 = █	1.6 = █	--- █

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Inmates at the New Mexico prisons did not evaluate their education programs very differently on their surveys. Both groups of inmates regarded the education programs at their prisons as less than satisfactory. However, both the private and the state groups of inmates did report understanding very well the information presented in class, and recognized the information as "important."

As described in the preceding section, the private prison adopted a more concentrated course structure. While this system allowed inmates to attain certificates in a relatively short period of time, there were several inmate complaints about the system. Some inmates commented that the courses moved too quickly, and they were not getting all the information they should be getting because of the accelerated schedule. One of the study's consultants was also critical of this feature.<sup>10</sup> On

<sup>10</sup>From Dr. DiIulio's report: "Many NMWCF inmates complained bitterly about being 'rushed through' education programs. Others charged that many classes were little more than 'bull sessions' . . . . The impressive education facilities, the dedicated education staff, and the available education data all serve to rebut these sorts of assertions. But there would seem to be some basis for at least some of the inmates' complaints about NMWCF's education programs."

the other hand, many universities successfully use this intensive instruction technique every year during summer sessions, with courses more demanding than those under discussion here. Furthermore, at least one inmate student complained of not having been able to move far enough and fast enough.<sup>11</sup>

The director of education at the private prison regarded the four-week format as a major improvement over the system at the state prison, where he had also been the director of education. He also felt positive about other changes affecting the education department. He said there was much less friction between the program and the custody staff. He reported greater consistency in the curriculum and degree requirements.<sup>12</sup> He appreciated his new administrative flexibility, being out from under the state bureaucracy.<sup>13</sup> Finally, he said that the new structure allowed him to make much more effective use of Pell grants to cover students' tuition. As a result of this federal supplement, his education program was costing CCA (and therefore the state) only \$160,000 per year, compared to his budget of \$230,000 the previous year at the state prison.<sup>14</sup>

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<sup>11</sup>"Not all degree programs are completed. I only lack a few specific classes from having 3 degrees, but I have not been able to obtain these classes! I am very near degrees in Paralegalism, Business, & Political Science! I'd like to complete this prior to my release as I've come this far!"

<sup>12</sup>Corrections Corporation of America subcontracted the education program to Education Corporation of America. ECA contracted with Branell College, an accredited occupational school, which confers degrees and defines requirements. Courses consistent with Branell's degree programs were taught under a contract to a branch of the University of New Mexico and credits were transferred to Branell. Under the state system, degree requirements changed as contracts shifted from one local college or university branch to another.

<sup>13</sup>During one of our site visits, he interrupted an interview for a brief phone call to take advantage of a special deal on a dozen calculators, a transaction that would have taken weeks or months and much more paperwork under the state--if it were approved at all.

<sup>14</sup>Nearly all students at the private prison applied for and received Pell grants, which were turned over to ECA to offset tuition at Branell College. ECA charged CCA an amount calculated to cover all remaining costs of tuition, materials, and other education expenses. At the state prison, Pell grants were rarely pursued because students typically took courses from two or more schools in a single year, a situation that Pell funds cannot be used to cover. Ironically, then, if education for female inmates cost New Mexico less after privatization, it is largely because their schooling was then charged in good part to the federal government, a fact noted critically by Dr. DiIulio in his report on CCA.

Neither the state nor the private prison allowed students to own their textbooks and workbooks or to take them out of the classrooms. Other materials, such as pens, paper, and notebooks were restricted as to quantity. However, these rules caused many more complaints at the private prison than they did at the state. One difference may have been the Pell grants, which students regarded as their own funds, entitling them to additional ownership rights.<sup>15</sup> Another may be that the private prison really was more tight-fisted than the state on the matter of school and other supplies. Several staff members, and not just in the education department, seemed to take a proprietary attitude when they told stories of inmates stealing or hoarding reams of paper and other goods. Neither I nor Dr. Thomas nor Dr. DiIulio detected that attitude toward property at the state prison. It may have been there, but it wasn't very conspicuous.

What is a proper standard against which to judge a program of education in corrections? If correctional education is viewed as a means to an end, we may never have an answer; certainly we do not yet know how much, or what types, of courses will guarantee future employment, law-abiding conduct, or any other utilitarian goal. Instead, I think we should look upon a prison education program simply as providing an opportunity to be engaged in meaningful activity. By that standard, both the state and the private programs of education for female offenders in New Mexico were more than adequate.

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<sup>15</sup>As one inmate put it: "The women are forced to sign over their Pell grants. Yet no supplies are available including books. CCA claims the money collected from Pell grants covers less than 50% of the cost of our courses. CCA & ECA need to be investigated." Another said, "It seems funny to me that we are granted Pell Grants, but we never have essentials for schoolwork such as notebooks, paper, pens, pencils." Deprivation and exploitation at the hands of the state they often attributed to personal motives; in the private prison, they attributed it to greed.

Recreation

Table 7.F

<u>Recreation</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Recreational activities are satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.9 = ■	-1.0 = ■	--- ■
2. Rating of how often prison recreational facilities are used (0=never, 6=every day)			
Inmate mean	4.2 + ■	3.5 - ■	--- ■
3. Rating of how often inmates are unable to use the recreational facilities (0=never, 6=every day)			
Inmate mean	1.9 + ■	2.4 - ■	--- ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Measures of recreational activity were all derived from the inmate surveys administered at the state and private prisons. The inmates rated the prisons similarly on quality of recreation (both groups saw activities as less than satisfactory), but on quantity or availability of recreation the private prison seems to have been the better of the two. The frequency of use of recreational facilities was higher at the private, while the unavailability of facilities, for reasons such as broken equipment, was higher at the state prison.

Table A.11 in Appendix A lists the recreation areas at the state and private prisons. At the state prison, the medium security units had separate and undeveloped dirt lots, except for Unit A, which had a small paved area with a basketball hoop, and Unit N, the Honors apartments, which had a small grassy courtyard. The minimum security inmates (Unit M) enjoyed a small play area for children during family visits and were allowed to use an adjacent field at certain times for jogging or ball games. When they came to the new private prison, they lost their distinction of separation but gained in the size and quality of the outdoor recreation yard, available to all and most easily accessible to

the minimum security units. The common yard was quite large, with room for playing fields and a track, which was under construction at the time of the study. A second, paved, area between the main area and the gym was also available to both minimum and medium inmates. Each of the secure units (for segregation and for the intake and classification period) had its own paved area.

The greatest difference between the two prisons was in the gymnasiums. At the state prison, the women had to take turns with the men in using the gym, which had one basketball court (it did not look full size). Equipment was extremely limited: one heavy punching bag, one ping pong table, and a game room with a radio and tables for cards. The gym at the private prison drew comments from all visitors. It was quite large, with retractable bleachers and six retractable basketball hoops, allowing a full court in one direction or two half courts in the other. There was also a setup for volleyball and a large variety of equipment: 3 video games (later removed because they were vandalized), 3 exercycles, a treadmill, a Nautilus machine, two ping pong tables, mats for tumbling, a jukebox, a piano, and an organ. A roomy arts and crafts studio and a bathroom with 4 toilets and 4 sinks were located just off the main area. An equipment room held softball equipment, numerous games, and other equipment.

Another interesting feature of the prison was an exercise room with a Nautilus machine for the staff, located up front by the administrative area, where it could be used at any time without disrupting inmate routines.

Inmate complaints about recreation were stronger at the state prison, but there were also complaints of insufficient outdoor recreation time at the private institution, particularly from minimum security inmates who missed their former freedom to come and go in the fresh air. One of the visiting experts, Dr. Thomas, criticized the prison on this score and suggested that the problem might be a matter of insufficient staffing. However, the regular schedule provided for two to four hours of outdoor and gymnasium recreation every afternoon and evening. In addition, the warden reported that, in response to inmate requests, arrangements were made to leave open the door to the outer yard for four hours every Saturday and Sunday morning. However, she said, the women preferred to sleep late on those days (brunch is at 11:00) and use of the yard was running at six or fewer inmates during those supplementary hours.

Religious Services

Table 7.G

<u>Religious Services</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Religious services have been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	1.8 + █	0.4 - █	--- █
2. Rating of how often inmates attend religious services (0=never, 6=every day)			
Inmate mean	2.4 = █	2.4 = █	--- █

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Inmates at the state and private prisons reported the same level of attendance at religious services (once a month or more). When asked to evaluate the quality of religious services, inmates at the private prison were very favorable, while inmates at the state were somewhat undecided over whether services were satisfactory or not.<sup>16</sup>

Summary

Table 7.1 Summary of Comparisons on Activity

	Private/State Comparisons						Quality Index <sup>a</sup>
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	6	21%	2	7%	21	72%	.57
State	2	7%	6	21%	21	72%	.43

<sup>16</sup>The chaplain at the state prison was a man, and the chaplain at the private prison was a woman, which may or may not have had any bearing on the inmates' responses.

## Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	9	24%	4	10%	25	66%	.57
State	6	16%	8	21%	24	63%	.47
Federal	4	22%	7	39%	7	39%	.42

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<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

The private prison performed best on measures of activity for inmates, with a quality index of .57 compared to .47 for the state and .42 for the federal prison. However, as shown in the two-way comparison, the private and state prisons were much more alike than different, with 72% similarity across the measures of activity.

Given the similar structure of the work programs, the similar content of the education programs, and the fact that the prison industries program was exactly the same, the high similarity between the state and private prisons on the dimension of activity is not surprising. The fact that the New Mexico prisons scored higher than the federal prison is evidence of a high degree of constructive or meaningful activity in both the state and the private programs. Federal prisons have a well-deserved reputation for the quality of their programming and for having the most fully developed system of prison industries of any correctional system in the country.

## 8. Justice ("Do It Fairly")

Some critics of private prisons object on purely philosophical grounds to what they refer to as "private justice." The philosophical objections can be answered, but this is not the place to do so.<sup>1</sup> Rather, the issue here is how to measure empirically the doing of justice inside any prison, in order to compare private and public prisons on the relevant indicators.

Justice is a matter of perceptions and procedures; it has subjective and objective dimensions. One approach is to ask the parties most involved in the doing and receiving of justice whether they think that authorities are following rules and procedures properly, treating subjects fairly, or respecting and upholding the rights of individuals. As will be seen below, the New Mexico inmates and staff had very different perspectives on this matter. Inmates favored the state prison on perceptual measures of justice, while staff favored the private prison. A second approach is to examine institutional records on procedures and practices related to disciplinary hearings, appeals, sanctions, grievances, and use of force. On these measures of procedural justice, the private and the federal prisons outperformed the state.

### Justice, General

Table 8.A

<u>Justice, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on protection of inmate rights (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.4 = █	0.4 = █	--- █
Inmate mean	-1.4 - █	-1.4 + █	--- █

<sup>1</sup>See Charles H. Logan, Private Prisons: Cons and Pros (New York: Oxford University Press, 1990), chapter 4.

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Direct comparison of prisons on staff adherence to rules and procedures (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.9 +	0.9 -	---
Inmate mean	-0.9 -	-0.9 +	---

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Single score tested for difference from zero ("about the same").

The staff and inmates at the private prison who had prior experience at the state prison were asked to compare the two New Mexico facilities on protection of inmate rights and on staff adherence to rules and procedures. On the protection of inmate rights, the staff believed that the private operation was a bit better. Inmates, on the other hand, much more strongly favored the state prison on this measure. On the item about staff adherence to rules and procedures, the staff and inmates were exactly opposite: staff saw the private prison as "somewhat better," and inmates regarded the state prison as "somewhat better."

Why did staff at the private prison perceive the two prisons as nearly equivalent in protection of inmate rights, even though they saw themselves and their fellows as adhering to rules and procedures better at the private prison than they did at the state prison? Possibly because they saw the protection of inmate rights incorporated into the regulations of the Duran consent decree as being so stringent, so extensive, and so limiting of their discretion that minor to moderate variation in staff adherence to the rules would have little effect--the rights of inmates would be fully protected in any case.

The Duran decree has numerous provisions governing areas that relate directly to inmate procedural (due process) rights: 133 regarding Inmate Discipline, 48 regarding Classification, 65 regarding Maximum Security (includes segregation), 38 regarding Legal Access, 12 regarding Attorney Visits. Other provisions judicially create or define substantive rights: 20 under Visitation, 32 under Correspondence, 85 under Living Conditions, 32 under Food Service, 42 under Inmate Activity, 97 under Medical Care, 27 under Mental Health. Finally, 10 provisions on Staffing and Training were defined by the court as affecting inmate rights even though they do not connect directly to inmates. Thus, the Duran decree can be seen as a judicially certified operational definition of "justice" as it pertains to the procedural and substantive rights of inmates in New Mexico.

A court-appointed Special Master was charged with monitoring the extent of compliance with Duran on the part of all New Mexico prisons that fall within the scope of the decree, which includes both the state and the private women's prison. Special Master's Report #22 recounted the findings of the Special Master and his consultants based on a visit to Western New Mexico Correctional Facility, the state women's prison, during June, 1988, just at the start of the reference period of this study. The Special Master did not himself produce any corresponding report on the private prison during the time of the study, but the institutional compliance monitor (a state employee) did produce his own report, applying the same Duran provisions as the Special Master and enumerating those on which he found the prison to be in or out of compliance. We are thus able to compare the state and private prisons on conformity to the requirements of justice as defined by the court in Duran.<sup>2</sup>

The Special Master's report for the state prison did not cover the areas of Medical Care or Mental Health. Of the remaining eleven areas, he found the facility "not in full compliance"--and therefore in need of continued routine audits--in four areas: Inmate Discipline, Living Conditions, Food Service, and Inmate Activity. The institution was "in substantial compliance"--and therefore not in need of routine audits--in three areas: Staffing and Training, Classification, and Legal Access. The Special Master recommended that four areas be removed from the scope of Duran's Order of Reference, on the basis of long-term compliance: Maximum Security, Attorney Visits, Visitation, and Correspondence. Of 42 explicitly audited provisions, the Special Master found the state prison not in full compliance on 15.

The compliance monitor's report for the private prison, dated November 20, 1989, was much shorter but broader in scope than the Master's 22nd report for the state. The monitor covered all thirteen areas of Duran and used a checklist to explicitly audit 640 individual provisions. Of those provisions, he found the facility not in compliance on 26, including 16 in the area of Living Conditions. Lack of a preventive maintenance manual, which was still being written, accounted for nine of the noncomplying provisions and lack of a written housekeeping plan accounted for four more. The monitor found the facility in full compliance in four areas (Staffing and Training, Attorney Visits, Visitation, and Inmate Activity) and in partial noncompliance in the remaining nine areas.

Thus, during the period of this study, both the state and the private prisons were predominantly in compliance with the requirements of justice, in so far as these are defined by the provisions of Duran.

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<sup>2</sup>See Tables A.21 and A.22 in Appendix A.

On the subject of Duran, it may be worth noting here that one of the study's outside experts, Dr. Thomas, raised questions about the extent to which New Mexico had become dependent on the consent decree to define the parameters of proper prison administration. Thomas asked whether Duran might have outlived its usefulness: "Absent carefully crafted means by which consent decree based standards can be modified or declared to be inapplicable to new situations and circumstances, the longer a correctional system is obliged to operate under a consent decree, the less beneficial the consent decree becomes. The Duran consent decree has been in place for a long time. . . . [M]y impression of the role being played by the Duran consent decree as it applies to NMWCF is that the decree causes far more problems than it resolves." Thomas argued that both staff and inmates often used the decree as a weapon and a shield in an adversarial relationship and that its rigidity stood in the way of achieving substantive solutions to problems.

Finally, Dr. Thomas argued that, for the purpose of protecting inmate rights, a consent decree is less necessary in a privately contracted prison than in one run by government. The reason for this is that inmates can sue their keepers for violation of their rights under 42 U.S.C. Section 1983 and other provisions of law regardless of which type of prison they are in, but only in a privately operated prison can they get past "the Eleventh Amendment immunities which limit state inmates to quests for prospective injunctive relief and which preclude them from seeking monetary damage awards. . . . This fundamental difference between public and private prison management would appear to expand significantly inmate access to effective legal remedies when they are confined in private facilities as well as diminish equally significantly the need for their rights to be secured by the terms of a cumbersome consent decree."<sup>3</sup>

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<sup>3</sup>Dr. Thomas is the leading authority on the legal liabilities of private prison companies. See Charles W. Thomas, "The Effect of Correctional Privatization on the Legal Rights of Prisoners," a paper presented at the meetings of the American Society of Criminology in Baltimore on November 9, 1990; Charles W. Thomas and Linda S. Calvert Hanson, "Access to Qualified Immunity by Private Defendants in 42 Section 1983 Damage Suits: The Implications for Correctional Privatization," a paper presented at the meetings of the Academy of Criminal Justice Sciences in Denver on March 17, 1990; and Charles W. Thomas and Linda S. Calvert Hanson, "The Implications of 42 U.S.C. Section 1983 for the Privatization of Prisons," Florida State University Law Review, 16(Spring, 1989): 933-962. Quotes here are from the report by Dr. Thomas of his site visit to the private prison in December, 1989.

Staff Fairness

Table 8.B

<u>Staff Fairness</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on honesty and integrity of staff (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	1.0 + █	1.0 - █	--- █
Inmate mean	-0.9 - █	-0.9 + █	--- █
2. Direct comparison of prisons on staff fairness (-2=state much better, 2=private much better) <sup>a</sup>			
Inmate mean	-1.0 - █	-1.0 + █	--- █
3. Agreement on aspects of staff fairness (-3=strongly disagree, 3=strongly agree):			
a. Staff let inmates know what is expected of them			
Inmate mean	-0.6 = █	-0.3 = █	--- █
b. Staff are fair and honest			
Inmate mean	-1.4 - █	-0.8 + █	--- █
c. Inmates are written up without cause			
Inmate mean	1.8 = █	1.8 = █	--- █
4. Staff are too involved in their own interests to care about inmate needs (-3=strongly disagree, 3=strongly agree)			
Inmate mean	0.9 = █	1.1 = █	--- █

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Single score tested for difference from zero ("about the same").

All but one of the questions about staff fairness were asked only of inmates. On the one staff measure, staff at the private prison who had been employed previously by the state were asked to compare the prisons on staff honesty and integrity. They responded that the staff at the private were more honest. Inmates on that same item, and on a separate comparison of staff fairness, regarded the state prison in the more favorable light.

When the inmates at each prison were assessing the staff at their respective institutions separately, rather than comparing them directly, the verdict was more evenhanded. Inmates at the state and private prisons saw their keepers in about equally negative ways on matters of laying down rules, enforcing them justly, and sensitivity to inmates. Inmates at the state prison came a little closer to saying that their staff were fair and honest, but still they "somewhat disagreed" with that description.

In two different sections of their surveys--Quality of Life and Safety and Security--inmates at the state and private prisons offered written comments pertaining to aspects of staff fairness.<sup>4</sup>

In the section on Quality of Life, inmates at the private prison criticized staff members for being poorly trained, rude and disrespectful, inconsistent, and marked by harassing and provoking behaviors. These concerns accounted for 28% of the 82 Quality of Life remarks at the private prison. At the state facility, similar complaints were even more common: 62% of the 64 Quality of Life comments by inmates at the state prison brought light to the mean, inconsistent, disrespectful behavior of staff members.

A similar pattern appeared in the Safety and Security section of the survey. At the private prison, 38% of 79 comments blamed the staff for problems in this area; at the state prison it was 54% of 39 comments. The elements of injustice or unfairness attributed to staff in these complaints included inconsistency, favoritism, harassment, and "setting up" inmates. Though more frequent among inmates surveyed at the state prison, the complaint was similar in content and tone at each prison.<sup>5</sup>

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<sup>4</sup>See Appendix A, Tables A.25, A.26, A.29, and A.30.

<sup>5</sup>From a state inmate: "There are too many inconsistencies among the staff and Correctional Officers. It's as if each CO has their own book of rules and they go by whatever is convenient for them." From a private inmate: "There is too much inconsistency with the officers. They don't seem to have any set rules that pertain to all shifts but do a lot of things according to how the mood strikes them."

One source of bias identified by inmates at both prisons was nepotism among staff.<sup>6</sup> As the major employer in a small town it is not surprising that either prison would have a number of related individuals on the staff. While complaints of nepotism were heard from inmates at both prisons, it was only at the state prison that it was also a frequent complaint by staff. The only staff member at the private prison who even mentioned nepotism was a correctional officer who said: "I left [the state prison] because my husband worked there and we really hated the nepotism. A lot of it was really bad and we didn't want people to think we were part of it, so we hardly spoke to each other on the job. Coming here was a promotion as well as a relief from that atmosphere."

From our site visits and interviews, the study's two consultants and I were strongly impressed with the professionalism and integrity of staff at both the state and private prisons, and in their reports Dr.s Thomas and DiIulio praised the staff at each prison on this score. This does not mean that the charges by inmates were groundless, but beyond an agreement on our part that there may have been some degree of merit to the complaints at each facility, there was no consensus among the three of us even as to which prison had the greater perception by inmates of unjust treatment by staff, let alone which set of perceptions was closer to reality.

Dr. Thomas and I asked inmates at the private prison if they regarded the exercise of authority by private corrections officers as any less legitimate because they were private rather than state employees. They regarded the question as academic (to put it politely). Their attitude was, "cops are cops and what counts is how they treat us, not what it says on their uniform."<sup>7</sup> In his report on the private prison, Thomas said that "the enforcement of rules and regulations was generally described to me by

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<sup>6</sup>From an inmate at the state prison: "Nepotism is so widespread that if you get written up by one officer, it will be served to you by a relative of that officer." From an inmate at the private prison: "Nepotism--One officer gives report, another serves it to you, another processes it, you have a hearing--All 4 officers are related. It's useless."

<sup>7</sup>We had specifically asked them whether it made any difference to them whether the patch on the uniform said "State of New Mexico" or "Corrections Corporation of America." From Thomas' report: "I saw no indication whatsoever during either this or my previous visit to NMWCF [the private prison] that the inmates see any fundamental difference between rules and regulations being enforced by CCA employees rather than by NMCD employees. Not a single inmate directly or indirectly depicted the exercise of power by a CCA employee as being anything other than legitimate [in principle]."

the inmates with whom I spoke as being both firm and fair." One inmate whom I interviewed said, "CCA gives us more responsibility. At Western, they just controlled us and treated us like children. They treat us like adults here and are more polite. We were more bitchy at Western because they were too."

Dr. DiIulio's experience with the private inmates was very different. He reported that: "There is absolutely no question that most NMWCF inmates feel that routine staff behavior and the rules that govern the facility are highly illegitimate and unfair. Of course, in ten years I have yet to encounter any group of inmates who were prepared to sing the praises of their keepers or to rally around the rules that regulated their daily existence. But rarely have I encountered so many inmates who were (a) so unanimous in their negative perspectives on the administration, (b) so willing to offer specific examples, and (c) so credible-sounding to the degree that the same charges and the same examples were repeated by disparate groups and individuals at different places and times." DiIulio did not accept the charges as objectively accurate, but was concerned about their consistency and passion.<sup>8</sup> In spite of his unwillingness to dismiss these reports, however, DiIulio concluded that, with respect to institutional justice and due process, the private prison operated "in perfect harmony with extant constitutional standards, American Correctional Association standards, New Mexico Department of Corrections standards, the provisions of CCA's contract with New Mexico, and, last but not least, the relevant provisions of Duran."<sup>9</sup>

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<sup>8</sup>The private inmates were not voicing their complaints just to DiIulio; I recorded similar grievances also. However, they seemed more vocal and upset on the day of DiIulio's visit than they were a few months earlier at the time of Thomas's visit. The week before DiIulio's visit an inmate died of a heart attack. There were no charges of inadequate care (at the time of her attack, she received immediate attention from the NMCD Director of Medical Services, who happened to be visiting that day and who is a coronary specialist) but the women were still upset over it. While criticisms were intense on the day of DiIulio's visit, they were not unlike protests we had heard on our visit to the state prison the year before. More representative than our interview data were the comments written by inmates at both prisons on their surveys. As indicated in the preceding analysis, complaints of "unfair" treatment by staff were just as strong and even more frequent from the state inmates as they were from the private prisoners.

<sup>9</sup>DiIulio also suggested that some of the negativity at the private prison was because of its more "prisonlike" atmosphere, both in terms of structure and management, and that the negative comparison to the state prison would diminish with time. He reported that "there is nothing about NMWCF that would lead one to predict that inmate perceptions of fairness and legitimacy will be as negative two or three years from now as they are today. As the NMWCF

(continued...)

Limited Use of Force

Table 8.C

<u>Limited Use of Force</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Agreement that staff use force only when necessary (-3=strongly disagree, 3=strongly agree)			
Inmate mean	0.0 = ■	0.0 = ■	--- ■■
2. Perceived frequency with which staff have used force against inmates (0=never, 6=all the time)			
Staff mean	1.3 + +	2.1 - =	2.0 - =
Inmate mean	1.5 = ■	1.7 = ■	--- ■■
3. Number of significant incidents in which force was used	1 i	11 i	1 i
a. Rate per capita-6	.00 ■■	.05 ■■	.00 ■■
4. Number of significant incidents in which restraints were used	0 i	14 i	6 i
a. Rate per capita-6	.00 ■■	.06 ■■	.00 ■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

In official record reporting, the use of force or restraint refers basically to any physical contact a staff member has with an inmate in order to control her in some way. It can be as minor as holding a hand down, or in some cases as involved as the injection or forced ingestion of tranquilizing medication. According to the official records indicators of staff use of force, or use of restraints such as handcuffs, the state had an incidence rate which was significantly higher than that of the

<sup>9</sup>(...continued)

inmates who were in Western are released, I would expect to see a marked decrease in these negative perceptions among the population as a whole."

private and the federal prisons; in fact, at the private and federal prison, the records indicate that the use of either force or restraints was very rare. The most typical incident requiring use of force at the state prison was a physical fight between inmates; other incidents included self-injury, drug use, and verbal abuse to staff.

In addition to the records data, the staff survey measure indicated a higher perception of staff use of force at the state prison than at the private. The staff perception of use of force at the federal prison was equal to the state.

Limitation of the use of force is interpreted as a favorable indicator on the dimension of justice. This does not mean that the use of force should be regarded as unjust per se or that a prison that uses it more often is using it more than necessary. However, on the theory that fair and consistent exercise of authority (one definition of justice) elicits voluntary compliance, a greater need to resort to force is treated here as being at least suggestive evidence of a lower level of legitimation.

### Grievance Volume

Table 8.D

<u>Grievance Volume</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of staff who reported having had a grievance filed against them in last 6 months	.28 = +	.23 = +	.67 - -
2. Proportion of inmates who reported filing a grievance against staff or management	.52 - ■	.31 + ■	--- ■■
3. Number of inmates filing grievances	73 i	45 i	--- ■■
a. Proportion of 6 month pop.	.30 - ■	.20 + ■	--- ■■
4. Total grievances filed	157 i	135 i	64 i
a. Rate per capita-6	.64 ■■	.59 ■■	.04 ††

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
5. Number of grievances directed at individual staff	34 i	41 i	36 i
a. Proportion of all grievances	.23 = +	.30 = +	.56 - -
b. Rate per capita-6	.14 ■ ■	.18 ■ ■	.02 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Grievances filed against staff are one way to measure inmate perceptions of unfairness or injustice. Over half the inmates at the private prison reported filing a grievance against staff during the previous six months, compared to less than one third of the inmates at the state prison. This was consistent with the records data, which showed grievances filed by a greater proportion of the six month population at the private prison (.30) than at the state (.20).

While grievances were more widespread among the private inmates, they were not more frequent. That is, the rate per inmate of filed grievances was about equal at the two New Mexico prisons and very much lower at the federal prison. This was true both for total grievances and for grievances directed specifically at staff.

It is interesting that although federal inmates filed grievances less often, when they did so it was more often a grievance about staff, compared to other issues. A grievance at the federal prison was about twice as likely to be directed against a staff member, and over two times the proportion of staff at the federal prison reported a grievance against them within the last half year, than was the case at either of the New Mexico prisons.

In sum, compared to the state, grievances were more widespread at the private prison but not more frequent; and while grievances were much less frequent at the federal prison, they were more often and more widely directed at staff.

As shown in Appendix A, Table A.12. inmate grievances at the state prison were more likely than those at the private facility to deal with issues directly related to justice, such as treatment by staff (30% of grievances) and access to legal resources (28% of grievances). Some other justice-related grievances occurring less frequently at the state prison were: searches (5%) and classification or goodtime decisions (7%). Thus, at the state prison, 70% of grievances were justice-related.

At the private prison, like the state, the greatest proportion (23%) of grievances complained about treatment by staff. However, other justice-related grievances were not so predominant:

legal resources (7%), searches (1%), and classification or goodtime decisions (6%).<sup>10</sup> Thus, at the private prison, 37% of grievances were justice-related, which was about half the proportion at the state prison.

### The Grievance Process

Table 8.E

<u>The Grievance Process</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived effectiveness of the grievance procedure (0=not at all effective, 3=Highly effective)			
Staff mean	2.2 + █	1.9 - █	--- █
Inmate mean	0.5 = █	0.5 = █	--- █
2. Perceived benefits of the grievance procedure (0=much more costly than beneficial, 4=much more beneficial than costly)			
Staff mean	2.5 = +	2.1 = =	2.0 - =
3. Perceived effect of grievance procedure on the quality of life (-1=makes it worse, 0=no difference, 1=makes it better)			
Inmate mean	-0.2 = █	-0.2 = █	--- █

<sup>10</sup>Instead of other justice issues, the next most frequent grievances at the private prison (following complaints about staff) dealt with visitation and mail problems (18%), personal property issues (13%), living conditions (10%), and medical services (9%).

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. Proportion of inmate grievants who report their grievance was taken care of:			
a. Completely	.13 = ■	.04 = ■	--- ■
b. Partially	.13 = ■	.15 = ■	--- ■
c. Not at all	.74 = ■	.80 = ■	--- ■
5. Proportion of inmates who did not file a grievance, who cite the following reasons:			
a. They never had any major complaint	.37 = ■	.26 = ■	--- ■
b. The problem was solved informally	.12 = ■	.06 = ■	--- ■
c. They thought it would be useless	.38 = ■	.46 = ■	--- ■
d. They were afraid of negative consequences	.10 = ■	.20 = ■	--- ■
e. Other reasons	.03 = ■	.02 = ■	--- ■
6. Proportion of all grievances that were appealed	.17 - ■	.07 + ■	--- ■

(i) Informational    (+) Favorable    (-) Unfavorable    (=) Similar

How grievances are handled may be even more important than how many there are. On most measures of effectiveness of the grievance process, the New Mexico prisons did not differ greatly. The staff at the private prison saw the grievance procedure as slightly more effective than did the staff at the state, while inmates at both prisons regarded the grievance system as somewhat ineffective. State and private staff, in equal measure, perceived the benefits of the grievance process to be greater than the costs. Inmates at both prisons, again in equal measure, perceived the effect of the grievance system to be somewhat negative on their overall quality of life. High proportions of inmates at the two prisons--.74 at the private and .80 at the state--reported that their grievances were not taken care of at all. Of those inmates at the New Mexico prisons who never filed grievances, one quarter to one third reported the reason as being "I never had a major complaint." One third to one half of the inmate respondents who did not file a grievance reported their reason as being "I thought it would be useless." It is clear

that, overall, inmates did not have a favorable attitude toward the grievance process at either of the two prisons, private or state.

The Discipline Process

Table 8.F

<u>The Discipline Process</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates receiving a <u>major</u> sanction who felt it was a fair punishment	.09 = ■	.21 = ■	--- ■
2. Proportion of inmates receiving a <u>lesser</u> sanction who felt it was a fair punishment	.23 = ■	.24 = ■	--- ■
3. Perception of how many maximum security inmates really belong there (0=very few, 4=nearly all)			
Inmate mean	0.8 = ■	0.9 = ■	--- ■
4. <i>Proportion of discipline guilty verdicts that were appealed</i>			
a. <i>Minor Reports</i>	.12 - ■	.02 + ■	--- ■
b. <i>Major Reports</i>	.25 = ■	.17 = ■	--- ■
5. <i>Proportion of major report sanctions</i>			
a. <i>Suspended at committee level</i>	.12 + ■	.32 - ■	--- ■
b. <i>Modified by warden</i>	.00 + ■	.33 - ■	--- ■

(i) Informational    (+) Favorable    (-) Unfavorable    (=) Similar

On inmate perceptions of the fairness of the discipline process, the two New Mexico prisons rated about the same.<sup>11</sup> There were some differences, however, in the data derived from official records. At the private prison, more inmates appealed their minor report convictions than did inmates at the state. The proportion of appeals of major reports did not vary between the prisons. Appeals are interpreted here as indicating inmate perceptions of injustice.

When a sanction was reviewed routinely and then modified, other than as a result of an appeal, this was also interpreted as a potentially negative indicator of justice. All modifications were either suspensions or downward adjustments. That does not necessarily mean that the sanction initially imposed was too severe,<sup>12</sup> but it does raise a question of inconsistency. The state prison, it appears, either allowed or required more interference in the discipline process: one third of major report sanctions were suspended at the committee level, and one third were modified by the warden. At the private facility, on the other hand, only 12% of major report sanctions were suspended, and the warden had no record of objecting to the decisions reached by the disciplinary committee.

The central element of due process is the provision of mechanisms for independent review of discretionary decisions. When properly structured, a private prison contract can add a new layer of review and a new degree of independence to the review process. In most prisons, initial decisions on such matters as classification and discipline are made by prison officials at the local institution, with provisions for review by and appeal to other officials outside the prison but within the same government agency. In a contract situation, decisions made by private prison employees are subject to binding appellate review by the contracting government agency, a superior and completely independent entity. This adds to the possible avenues for redress of inmate grievances.

At the private prison in New Mexico, a full time state employee served as both a contract monitor and a compliance monitor for the Duran consent decree. A major part of his job was to ensure

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<sup>11</sup>State inmates receiving a major sanction more often pronounced it fair, but the number of inmates receiving major sanctions (38 for State and 23 for Private) was too small for the difference (.21 vs. .09) to be significant.

<sup>12</sup>Six of the major report sanctions modified by the warden at the state prison were simply grants of credit for time served during the adjudication stage. That did not reduce the sentence (which might have suggested that it was overly harsh) but it does lend some support to one inmate's claim that at the state prison they punished first and gave due process later.

that the prison conformed to all the requirements of due process spelled out in Duran, in Corrections Department regulations, and in other applicable standards, such as those of the American Correctional Association. In particular, he reviewed all decisions and actions regarding discipline, grievance, and classification. While formal appeals were directed, not to him, but to the Secretary of Corrections, the institutional compliance monitor served as an ombudsman with a great deal of informal authority to resolve disputes without going through a full and formal process. He also served as an investigative officer for the NMCD and as the state representative for the inmates. While he did not feel he had the personal authority to override the private prison administrators or to take independent action, his presence served as a constant reminder that the contract was both backed by and subject to the sovereign authority of the State of New Mexico.

The compliance monitor's office was originally up front, next to the offices of the prison administrators, but that was quickly changed and he was moved back to the same area as the inmates' living units. In three visits by myself, two visits by Dr. Thomas, and one visit by Dr. DiIulio, not one inmate or staff member had a single negative word to say about the compliance monitor. In our countless interviews and conversations we heard him praised repeatedly and highly by both inmates and staff for his accessibility and effectiveness. Even inmates who totally rejected the legitimacy of all other prison officials perceived him as an oasis of justice and fairness.

The state prison also had a compliance monitor who was respected by the inmates, but they did not appear to have quite the same attitude toward him as toward his counterpart in the private facility. The inmates regarded Duran as the source of all their rights and the court-appointed Special Master as their Great Protector. The compliance monitor in each prison served as the first line of enforcement of the decree, but with a difference. At the state prison, the monitor was more like an insider whose efforts to keep the institution in conformity with Duran were acts of service, even of loyalty, to the administration. At the private prison, the monitor was more of an external presence who was seen as a negotiator and arbitrator. There were also differences of personality that may have made the private monitor seem more approachable to inmates and others, but the greatest difference seemed (at least to this observer) to be one of role and position.

The conclusion that there are structural advantages when the state monitors a private contract, compared to when the state monitors its own operations, was supported by the comments of two NMCD officials interviewed at the central office in Santa Fe. Asked whether the compliance monitor at the private prison functioned the same as those at other prisons run by the state,

one official pointed out that the private monitor also supervised compliance with the terms of the contract in addition to compliance with the consent decree. Further, that official saw the private prison's monitor as having more administrative power than monitors at the state-run prisons. A second official concurred with this view, remarking that the private prison's monitor was almost like a deputy warden, with greater clout and authority as a representative of the central office, compared to other monitors, whom he described as "middle managers" within their institutions. In a closing comment about accountability at the private prison, the first official concluded that there was "probably more, because of the contract."

Legal Resources and Legal Access

Table 8.G

<u>Legal Resources and Legal Access</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates who have used the law library	.52 i	.58 i	--- ■
2. Proportion of inmates who feel the law library <u>has</u> supplied adequate information	.33 = ■	.36 = ■	--- ■
3. Proportion of inmates who feel the law library <u>has not</u> supplied adequate information	.19 = ■	.22 = ■	--- ■
4. Number of grievances that involved legal resources or access	10 i	38 i	4 i
a. Rate per capita-6	.04 ■ ■	.17 ■ ■	.00 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Measures of legal resources and access indicate that inmates at the private and state prisons did not differ in either their use of the law library or their evaluation of the legal resources offered by the library. One third of the inmates at each prison were satisfied with the adequacy of information provided in the law library. Grievances related to legal resources, however, were filed at a significantly higher rate at the state than at either the private or the federal prisons. The private had a few more grievances in this area than the federal did.

During the 1988 reference period, the state prison was found by the Special Master to be in substantial compliance with the provisions of the Duran consent decree on legal access and attorney visits. The Master's report noted pro forma that Spanish speaking assistants were not available at all times, which violated the decree, but also noted that there had never been a request for assistance by a non-English speaking inmate. In the 1989 reference period, the compliance monitor at the private prison reported full compliance on attorney visits and only minor problems on legal access and resources. He noted inadequate training of inmate legal assistants, a lack of civilian paralegals, and no Spanish speaking legal assistant (all inmates at that time spoke and wrote English well enough to complete our surveys).<sup>13</sup>

### Justice Delayed

Table 8.H

<u>Justice Delayed</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Average number of days from the date of the discipline report until the hearing	6 + █	9 - █	--- █
2. Proportion of minor reports with hearings beyond 7-day limit	.08 + █	.95 - █	--- █
3. From date of grievance report until resolved by grievance officer:			
a. Average number of days	9 + █	13 - █	--- █
b. Proportion beyond 20 days	.00 + █	.28 - █	--- █

<sup>13</sup>Regarding this paragraph, see Tables 21 and 22 in Appendix A.

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. From date of grievance report until resolution approved by warden:			
a. Average number of days	11 + ■	18 - ■	--- ■
b. Proportion beyond 27 days	.01 + ■	.25 - ■	--- ■

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(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The amount of delay experienced in justice procedures is an important measure of the quality of those procedures and ultimately of the due process of those procedures. The private prison scored significantly better than the state prison on all official records indicators of justice delayed. At the state prison, 95% of minor reports during the reference period were characterized by hearings held after the seven day limit imposed by department policy. In fact, the average number of days from disciplinary report to hearing was nine days. The private prison, on the other hand, exceeded the seven day hearing requirement in only 8% of minor reports, with an average lapse of six days.

As with discipline, the state was also slower in its grievance process. In reaching resolution by the grievance officer, and then approval by the warden, grievances at the state prison took longer on average and more often exceeded the policy time limits than at the private prison.

The records data thus seem to bear out the claim of one inmate, whose name I saw with relatively high frequency on discipline and grievance records at both prisons, who said that she thought there was more due process at the private prison: "Here they give you due process first, then take action. At Western [the state prison], they acted first. Then, if you were lucky, you got due process." That was certainly an exaggeration, but the discipline and grievance processes at the private prison did seem to have been speedier.

SummaryTable 8.1 Summary of Comparisons on Justice

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	15	29%	9	18%	27	53%	.56
State	9	18%	15	29%	27	53%	.44

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	19	32%	12	20%	29	48%	.56
State	11	18%	20	33%	29	48%	.43
Federal	8	44%	6	33%	4	22%	.56

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<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

On measures of justice, the private and the federal prisons achieved the same quality index score of .56. The state did not do as well as the other two prisons; it scored .43 on the quality index.

As on other dimensions of quality, but perhaps a little more so, there was a discrepancy between indicators, depending on whether they were derived from inmate surveys on the one hand or from staff surveys and official records on the other. The inmate data tended to favor the state prison while the staff and records data favored the private facility.

Whatever the relative merits of state versus private operation of the women's prison in New Mexico, one thing was abundantly clear. As the result of an unusually extensive and detailed consent decree, prisoners in New Mexico's higher security prisons benefitted from tougher, more comprehensive, and more zealously monitored protection of due process than most of their fellows elsewhere around the country. By incorporation of the Duran decree into the Klatt addendum, these provisions also applied to

the women's prison, both before and after its transfer from state to private hands.

Prior to transfer of the female inmates, the Western New Mexico Correctional Facility was given a very positive compliance report by the court appointed Special Master. Of the decree's thirteen areas, two were not monitored. For the remaining eleven, the Special Master found the state prison to have been in substantial current or long-term compliance in seven areas and to have had some problems of a minor nature in four areas. At the private prison, the institutional compliance monitor checked the facility out on all 640 provisions of the decree and found less than full compliance on only 26. Most of these were formal rather than substantive problems (for example, half were the result of not having completed a preventive maintenance manual and a written housekeeping plan).

Compliance with the Duran consent decree--high at both the state and the private prisons--was evidence of prison quality on each of the eight dimensions examined in this study. Special attention was given to Duran in this chapter, however, because each of its provisions can be defined either as a matter of procedural justice or as a matter of substantive justice. By virtue of having been incorporated into a judicially enforceable agreement between the state and the legal representatives of the inmates, the requirements of Duran can be seen as defining a broad spectrum of inmate rights. The high levels of compliance with Duran at both the state and the private prison allow us to conclude that, although the private and federal prisons scored higher on the empirical indicators of justice used here, on an "absolute" scale the levels of justice achieved for female felons in the State of New Mexico was quite high.

## 9. Conditions ("Without Undue Suffering")

Beyond a constitutional guideline that the totality of conditions should not be so bad as to constitute cruel and unusual punishment, there are few if any absolute standards for measuring the quality of living conditions in a prison. Even the constitutional standard is at least partially relative. Thus a comparative approach is particularly appropriate to measurement of this dimension of prison quality. On the other hand, there must be some absolute lower bound at which conditions are "good enough" and perhaps even an upper point beyond which better conditions would be "too good." The evaluations in this chapter mostly will follow the comparative logic of "more is better," but with qualifying interpretations and with some judgments in more absolute terms injected into the commentary.

Overall, the data will show a near tie between the private and state prisons, with the federal prison a distant third. However, descriptive comments will suggest that the subjective judgment of an outside observer might well have put the federal facility in first place and the subjective reactions of the inmates by themselves would probably have placed the private facility in last place. Moreover, although the methodology gives equal weight to each indicator, certain factors are definitely more important than others and the simple process of summing also obscures some real differences across the subdimensions and between the perspectives of inmates and staff. In other words, more than on any other dimension, the ranking of prisons on living conditions depends on whom you ask, and what aspects of lifestyle or environment those people care the most about.

Conditions, General

Table 9.A

<u>Conditions, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on overall quality of living conditions (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.6 + ■	0.6 - ■	--- ■
Inmate mean	-1.7 - ■	-1.7 + ■	--- ■
2. The administration is doing its best to provide good living conditions (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-1.7 - ■	-0.3 + ■	--- ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Single score tested for difference from zero ("about the same").

Inmates and staff at the private facility who had previous experience at the New Mexico state facility were asked to make a direct comparison of the two prisons on the overall quality of inmate living conditions. The staff responded that the private was "somewhat better"; the inmates, however, regarded the state as "much better" in terms of living conditions. When asked if the administration was trying to provide good living conditions, inmates at both prisons were generally negative, but they were less negative at the state than at the private prison.

While private staff with previous state experience thought that the quality of inmates' living conditions was improved at the private facility, a comparison of survey comments by staff at each of the two facilities separately (see Appendix A, Tables 27 and 28) tended to support the inmates' perception that they had it better in the state prison. In their comments on quality of life, staff at the state prison reported problems with programs and services, and miscellaneous minor problems, but a third of their comments testified that life for the inmates under care of the state was good or very good and over a quarter of their comments were complaints that the inmates' conditions were "too good." No staff at the private prison said that life there was too good for the inmates. In their comments on this section, the private staff said that inmates adjusted well to their environment, were calmer, less stressed, and better behaved than they

were at the state prison--a very different picture from that painted by the inmates. However, the private staff did criticize some of the physical aspects of the new facility, such as noise, lights, and lack of privacy, which echoed inmate complaints on these scores.

As a visitor, one might be puzzled by the strong preference of the inmates for the state over the private prison. The new private prison was much cleaner, brighter, more airy; it even smelled better than the state prison, which was permeated with years of smoke. The gym, the classrooms, and the prison industry area were bigger and better equipped. The dining area was huge, and capable of feeding all the inmates at once, compared to the small room used by one living unit at a time at the state prison. These advantages and others, however, were less important to the women living there than other features of the private prison--both physical and social--that they greatly disliked. Those features will be discussed in the separate sections to come. Briefly, however, they tended to be features that related to a feeling of control over one's environment. At the state prison, the women lived in units that were more crowded but also smaller and more differentiated. They were darker and somewhat dingy but also more private. The policy on personal property was more permissive. The minimum security inmates could dress as they pleased and were outside a lot more often, in their yard outside their trailers or as they traveled to and from the main compound. In short, living conditions at the private prison were physically more attractive but also more institutional and the inmates' lives were more regulated. As one inmate put it: "We miss the space, the outdoors, and the greater free time and free movement we had at [the state prison]. Our time here is too regimented."<sup>1</sup>

Across all dimensions of quality, inmates at the private prison who compared it directly to the state prison were negative on nearly every point of comparison, but they were most negative by far on the matter of "quality of living conditions." Their average score of -1.67 on this item was well below their next most negative response (-1.40 on "positive activities for in-

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<sup>1</sup>Note the contrast between inmate and staff perspectives illustrated by this comment from one of the private staff members: "The Duran Consent Decree pretty much keeps CCA's hands tied on some things; however, their policies and/or rules may seem harsh through the inmates' eyes. CCA favors self discipline and responsibility. Some rights were taken advantage of [by inmates at the state prison] and now the inmates realize some things aren't going to come as easy. For example, the television sets--not having one in each cell gives the inmates time to read, do homework, or work on their self-image by other means."

mates").<sup>2</sup> The negative score on living conditions might be described as positive toward the state prison--since the scale runs from "much better at the state" (-2) to "much better now" (+2)--but it is probably more accurate to interpret it as a reaction against conditions at the private prison. Certainly, there was no praise for the state prison on living conditions when the inmates were surveyed and interviewed there prior to their move.

When the state and private inmates were asked to volunteer any further comments about the quality of life, it seems significant that the two groups of inmates complained most often about different things under this general heading. The state inmates complained most often about staff (62% of comments), and their other complaints were about space (16%), food (16%) and activities (6%). In contrast, the private inmates complained equally often about living conditions (29% of comments), about staff (28%) and about policies and procedures (27%), with miscellaneous gripes (16%) left over.

Both of the study's consultants, Dr. Thomas and Dr. DiIulio, noted strong complaints by inmates at the private prison about their living conditions. However, those complaints were much stronger during DiIulio's visit in May of 1990 than they were during Thomas's earlier visit in December. DiIulio introduced his report on the private prison with one particularly choice quotation:

I was in Western. I've been in other women's prisons in New Mexico. I've been in prisons in other states, too. This is the worst. The worst!...They promised us things would be better here. They gave us the same public relations bullshit job they gave everybody else. They make it look nice. But the medical, the food, the education all stink. There's no work, except in their phony reports. The guards are on you every second. The stress is terrible...All they care about is making a buck. Christ, they were charging us for tampons, and they actually count every pencil in the classroom. The state sold us to CCA, and all we are is a way for CCA to make a profit. It's like legal slavery.

DiIulio did not give high credence to the specifics of extreme claims like this, but he noted that nearly every inmate he asked said that she liked it better at the state prison and he was concerned about the consistency of that attitude. On the other hand, he predicted that the attitude would decrease through time and concluded that much of the inmates' "culture shock" was the

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<sup>2</sup>See Table A.19 in Appendix A.

result of being moved out of a set of conditions that are unusual among prisons and into a more conventionally prisonlike atmosphere.<sup>3</sup>

Not all inmates at the private prison felt that their living conditions were worse than they had been under the state. One inmate said: "I've been in for 4 years. This is best we've had since Las Lunas [a state prison where the women had once been kept, along with men]." There was at least one pattern of difference between those who were happier at the private prison and those who were not. When I and two other researchers interrupted a class for an unannounced group interview, we noticed that nearly all the complaints were coming from inmates with blue shirts (minimum security). When we asked the red shirts (medium security) about their silence, they somewhat reluctantly confessed, "We like it better here."<sup>4</sup> Indeed, one of the most common complaints of the minimum security inmates was that they were worse off than medium. In the general tightening of institutional rules and routines, it was the minimums who lost the most freedom. Also, as will be discussed in the next section, the minimums lost the privacy, informality, and small unit size that they enjoyed in their trailers at the state prison, while the mediums were rescued from a state of chronic overcrowding.

### Crowding

Table 9.B

<u>Crowding</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Average resident population as percentage of capacity	81 * *	106 * *	153 * *
2. Proportion of 6 month period in which capacity was exceeded	.00 + +	.94 - =	1.00 - =

<sup>3</sup>From DiIulio's report: "These comments and complaints, I believe, reflect aspects of [the private prison's] physical plant and management regime that make the institution look and run far more like a "typical prison" (or even most opened-post-1980 prisons for women) than any setting New Mexico's women prisoners have encountered before."

<sup>4</sup>Among their other comments: "Medium is much better now." "There is no more crowding in the dayrooms, the cells are better." "We can go in and out of our rooms, we have privacy, we can turn lights on at night in our cells."

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Average number of sq. ft. per inmate in housing units	97 ■ ■	79 ■ ■	66 ■ ■
4. Perceived occurrence of crowding in the housing units (0=not at all crowded, 4=very crowded)			
Staff mean	0.1 + +	2.3 - +	3.2 - -
Inmate mean	2.1 = ■	2.3 = ■	--- ■ ■ ■
5. Perceived occurrence of crowding outside the housing units (0=not at all crowded, 4=very crowded)			
Staff mean	0.2 + +	1.5 - +	3.0 - -
Inmate mean	1.8 + ■	2.3 - ■	--- ■ ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Perhaps the strongest determinant of prison living conditions is the extent of crowding within a particular facility. Official records indicated that the private facility fared the best on this measure. During the entire six month reference period of this study, the resident population at the private prison remained below the rated capacity. The state prison experienced a moderate and consistent amount of crowding: its population averaged 106% of capacity, and exceeded capacity during 94% of the period. The federal prison experienced a much worse case of overpopulation. That prison on the average housed 153% of its rated capacity of inmates, and was overcrowded for the entire six month period.

The average number of square feet per inmates is a second measure of crowding. The private facility provided the most living area per inmate: nearly 100 square feet. The state prison supplied 79 square feet per inmate, and the federal furnished 66 square feet per inmate. The lower amounts of space per inmate at the federal and state prisons were objective indicators of the crowding present at those institutions. In addition, staff perceptions of crowding were consistent with the official records findings--the private prison being regarded as "not at all crowded," the state as "moderately crowded," and the federal as close to "very crowded." Inmates, on the other hand, did not differ that much in their perceptions of crowding.

Although the state prison was more crowded than the private, it was not, by national norms, terribly crowded. Table A.14 in Appendix A compares the state and private prisons in New Mexico during 1988-1989 with state prisons nationwide in 1984. Even

though most prisons were much less crowded in 1984 than they were at the time of this study, the national averages then exceeded the later figures for New Mexico on all measures of crowding. Moreover, this was true whether comparing to all prisons, to female-only prisons, to new prisons, or to prisons at any given level of security.

It is interesting that the number of inmates relative to square footage or to rated capacity did not correspond very strongly to inmate perceptions of crowding, or at least of living unit crowding. As will be seen below, one reason is that inmates may be less concerned with space than with privacy.

### Social Density and Privacy

Table 9.C

<u>Social Density and Privacy</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates on reference date who were confined in:			
a. Single occupancy units of 60 sq. ft. or more	.58 = +	.51 = +	.33 - -
b. Multiple occupancy units with 60 sq. ft. or more per inmate	.42 + +	.27 - +	.05 - -
c. Multiple occupancy units with less than 60 sq. ft. per inmate	.00 + +	.22 - +	.62 - -
2. Perceived amount of privacy within the sleeping area (0=none at all, 4=complete)			
Staff mean	2.1 = +	2.0 = +	1.2 - -
Inmate mean	1.2 - ■	1.6 + ■	--- ■

(continued)

PrivateStateFederal

3. Perceived amount of privacy in the shower and toilet area (0=none at all, 4=complete)

Inmate mean

1.0 - ■

2.2 + ■

--- ■

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(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The significance of crowding for lifestyle or living conditions is not so much physical as social. There is no clear significance to the difference between, say, 50 square feet and 60 square feet per inmate, but there is a big difference between one and two inmates per cell, regardless of the size. For evaluation purposes, the assumption is made here that it is preferable to minimize social density by putting inmates in single cells. Where multiple occupancy is necessary, more space per inmate is assumed to be better.

On these measures of social density, the official records data favored the private over the state and the state over the federal prison. Thus, the more crowded the prison relative to capacity and square footage, the more crowded it was also in terms of social density.

The greater the social density, the more important becomes the element of privacy. This is particularly true for female prisoners. The staff at the New Mexico prisons did not perceive differently the amount of privacy allowed inmates at their facilities. The federal staff, however, judged the amount of privacy significantly lower than the ratings given at the state and private prisons. Inmates at the private prison rated privacy in the sleeping areas and in the shower and toilet areas much lower than did the inmates held by the state. This pattern of responses was substantiated by comments made by inmates at the private facility.

Inmates remarked that much of their privacy was lost when they transferred to the new prison, particularly for the inmates in minimum security, where the housing units were dormitory style, with twenty beds in one large area, separated by waist-high cement partitions. The minimum security trailers at the state prison had separate, closed bathrooms containing toilets and tubs or showers; the dorm pods at the private prison had curtained shower stalls visible at head level from the corridor and control station, and a row of toilets behind a partition that would conceal anyone when sitting but not standing. In the medium units, privacy from other inmates was increased because it no longer was necessary to bunk prisoners in dayrooms with shared access to adjacent cells, a situation that affected 22 percent of

the inmates at the state prison.<sup>5</sup> However, the shower stalls in the medium security pods were in the corners nearest the control center in the hallway, from which a showering inmate's head, and a tall inmate's shoulders, could be seen. At the state prison, showers were not visible at all from control centers.

It is necessary at some point to make a tradeoff between security and privacy, with the balance point depending on the character of the inmate population. It is fair to say that the state prison had high privacy at the expense of security while the private prison had high security at the cost of privacy. Dr. Thomas was particularly critical of the private prison on this count, arguing that dormitory housing--which is more acceptable in a prison designed for men--sacrificed more privacy than was justified by the gain in security for a population of women.

In summary to this point, the private prison was less crowded and had lower social density than either of the other two prisons, but because of its architecture it also had less privacy in all areas of the minimum security pods and in the shower (but not the cell) areas of the medium security pods.

#### Internal Freedom of Movement

Table 9.D

<u>Internal Freedom of Movement</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived freedom of movement for inmates (0=none at all, 4=very much)			
a. During the day			
Staff mean	2.4 - -	2.7 + -	3.8 + +
Inmate mean	0.7 - ■	1.3 + ■	--- ■■

<sup>5</sup>Crowding at the state prison occurred only in the medium security housing units, where it took the form of extra beds in the dayrooms. On the reference date of December 2, 1988, there were 20 beds in medium security unit dayrooms. These 20 beds encroached on the space of inmates in 11 adjoining cells, whose facilities had to be shared with the dayroom inmate(s). Thus, on 12-2-88 there were 31 inmates (or 22% of the resident population) who were effectively "multiple-bunked," and therefore crowded in the sense of "multiple occupancy not intended in the physical design."

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
b. During the evening			
Staff mean	2.0 = -	2.0 = -	3.7 + +
Inmate mean	0.8 = ■	0.8 = ■	--- ■■
c. During the night			
Staff mean	0.5 - -	0.8 + -	1.5 + +
Inmate mean	0.5 = ■	0.5 = ■	--- ■■
2. Proportion of inmates on reference date who were confined to housing units for over 10 hours per day			
	.00 = +	.01 = +	.04 - -

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Under the dimension of "Security," limits on inmate freedom of movement were rated favorably. Under the heading of "Conditions," however, those same limits were interpreted as unfavorable to living conditions for inmates.

On the whole, the federal prison was perceived by staff as allowing the most internal freedom of movement for inmates. The private prison rated the lowest, and the state was in between but more toward the lower end of the freedom of movement scale. The only item indicating greater restriction on movement at the federal prison was the proportion of inmates confined to housing units for more than 10 hours a day. However, this proportion, consisting primarily of inmates in detention status, was extremely small in all three institutions.

The perception by private inmates of their freedom of movement during the day was only marginally lower than that of the state inmates, and the difference was even smaller for perceptions by the staff. The small difference was real, however, and was criticized especially by the minimum security inmates. As one of the latter remarked: "We used to have complete freedom of movement; go outdoors whenever we wanted. Now we have no freedom. It used to be better to be minimum. Now it is worse."

The private warden acknowledged that freedom of movement for the minimum inmates was more restricted than it had been at the state prison, but argued that their previous freedom in this regard had been excessive. The state warden, in a separate interview, expressed that same judgment. When asked about the complaint that conditions for minimum security inmates were less desirable than for mediums, the private warden agreed that it was a problem and wished that the minimum pods had not been constructed as partitioned dormitories. She also said that she was

working to provide some legitimate and appropriate advantages to the minimum inmates, consistent with the needs of security.<sup>6</sup>

### Facilities and Maintenance

Table 9.E

<u>Facilities and Maintenance</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Residents on reference date, vs. conveniences in living areas			
a. Inmates per shower	5.3	5.0	8.2
b. Inmates per sink	1.2	1.5	3.6
c. Inmates per toilet	1.2	1.5	4.4
d. Inmates per telephone	16.7	10.0	---
e. Inmates per television	16.7	8.3	54.9
2. Number of grievances about maintenance			
a. Rate per capita-6	5 i	9 i	10 i
	.02	.04	.01

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The accessibility of conveniences--showers, sink, telephones, etc.--is a function of several things: the design of the prison, the administration's policies on access to conveniences, and the number of inmates resident in the facility, versus the intended capacity of the prison. The greater the level of crowding, the more inmates must share facilities such as toilets, showers, and telephones. The federal prison experienced the highest levels of crowding during the reference period of this study, and so it is not surprising that they had the highest inmate to convenience

<sup>6</sup>Among her comments: "Minimum custody inmates do have some advantages: The visiting area, when it's finished. All outside visiting is restricted to minimums. We're working on programs to run in the visiting area. They will have greater community access. However, their loss of freedom to go outside whenever they please is permanent and appropriate. Later, when staff are more experienced, minimums will have more freedom to visit other pods in the evening. Eventually, minimums may be given more freedom in the dining room."

ratios. The two New Mexico prisons were counter-balanced on different measures: the private afforded greater access to sinks and toilets, while the state provided more telephones and allowed more televisions.

The issue of access to televisions was something of a problem for the private prison after the transfer of inmates from the state. Access to those items was very liberal at the state. The private prison, in tightening its regime in general, limited access to those conveniences. The private prison's administration was, however, acting within departmental policy and, in fact, there was soon to come a general tightening throughout the state system on the allowance of personal property, including televisions and radios, in the cells.

The private and state prisons did not differ from each other or from the federal prison in the frequency of formal grievances by inmates about maintenance. That finding was consistent with observations during the study team's site visits to each of the New Mexico prisons. At the state prison we heard complaints of a broken phone and a broken toilet, and there was a fair amount of cracked, chipped and eroded paint, but nothing out of the ordinary for a four-year old facility. At the private prison, we saw and heard about design flaws that caused showers to splash out of the bathing area and problems with temperature control, but these were the kind of "bugs" one normally expects, and quickly resolves, in any new construction. There were some cracks in the ceiling and walls that the inmates claimed were the result of poor construction, but consulting engineers reported that these were probably the result of a ground shift, or small earthquake, which caused similar damage at the nearby state prison at the same time.

### Sanitation

Table 9.F

Sanitation

(6 month period)

1. Perceived occurrence of insects, rodents, or dirt in the housing units  
(0=never, 6=all the time)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
Staff mean	1.0 + +	2.2 - +	3.2 - -
Inmate mean	2.2 = ■	2.5 = ■	--- ■

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Perceived occurrence of insects, rodents, or dirt in the dining hall (0=never, 6=all the time)			
Staff mean	0.4 + +	1.7 - +	2.9 - -
Inmate mean	1.4 = ■	1.7 = ■	--- ■
3. Perceived occurrence of a bad odor or poor air circulation in the housing units (0=never, 6=all the time)			
Inmate mean	3.5 = ■	3.0 = ■	--- ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Measures of sanitation were derived from the surveys of staff and inmates at the different prisons. The private staff perceived a lower occurrence of dirt, rodents, and insects in the housing units and in the dining hall than did the staff at the state prison. Both prisons received generally favorable ratings of either "very rare" or "rare" occurrence of dirt, insects, etc. The federal staff, on the other hand, regarded such occurrences as "now and then"; a rating which was modestly but significantly higher than at the private or state prisons.

The inmates did not differ much in their perceptions of sanitation breaches. At both New Mexico prisons, dirt, insects, and rodents were generally regarded as a rare occurrence. Poor air circulation was, however, seen as a problem ranging from "now and then" to "often." This was consistent with comments made by inmates on the open ended questions of the survey, particularly at the private facility. To an outside observer, however, particularly a nonsmoker, the general cleanliness and especially the air quality seemed much better at the private prison. The study team went through all living units at each prison with a checklist that included a subjective impression of housekeeping and ventilation. While floors at the state prison were very clean, they did not shine like those at the private prison, and the air in every part of the state facility had a much stronger smell of smoke, perhaps not so much from lack of ventilation as from permeation of furniture, bedding, clothing, and so on.

The compliance monitor at the private prison also had a checklist, which he used to report on compliance with the many provisions of the Duran consent decree. In November of 1989, he reported that 16 out of 79 provisions in the area of "Living Conditions" were not in full compliance. Most of these deficiencies, however, were formal rather than substantive in that they involved the absence of a written preventive maintenance manual,

daily housekeeping plan, and daily inspection lists, all of which were still in the process of completion. Also, the private prison did not yet have a full-time safety and sanitation officer.<sup>7</sup>

At the state prison, during the reference period of the study, a Special Master's Report audited six provisions in the area of Living Conditions and found the state prison to be not in full compliance on three of them. Among the deficiencies noted in the Report were: (1) improper functioning of ventilation system in housing units, (2) inadequate spare parts, (3) maintenance problems relating to plumbing, (4) poor ventilation and waste disposal system in micrographic work area, (5) poor sanitation in showers in the disciplinary and protective custody units.<sup>8</sup> The Special Master recommended that the prison hire a full-time registered sanitarian and arrange for another comprehensive inspection after a year.

### Noise

Table 9.G

<u>Noise</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Perceived noise level in the evening hours (0=not at all noisy, 4=very noisy)			
Staff mean	1.4 = +	1.6 = +	2.4 - -
Inmate mean	2.7 - ■	1.7 + ■	--- ■■

<sup>7</sup>See Tables 22 and 23 in Appendix A for areas of Duran compliance at the state and private prisons.

<sup>8</sup>From the Twenty-Second Report of the Special Master based on June 1988 visits to Western New Mexico Correctional Facility, p. 46. The Report also had these criticisms of the preventive maintenance program at the state prison: checklists with manufacturers' specifications were not being used, no schedule existed for checking pipe chases, and equipment was not working properly in the living areas such as ventilation in cells and showers, leaking toilet flush valves, and faucets and showers that wouldn't shut off. See Appendix A of the Special Master's Report, pg. 38.

(continued)

2. Perceived noise level  
in the sleeping hours  
(0=not at all noisy,  
4=very noisy)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
Staff mean	0.7 = +	0.8 = +	1.3 - -
Inmate mean	1.6 - ■■	1.1 + ■■	--- ■■■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Staff at the New Mexico prisons did not differ much in their perceptions of noise levels. Both groups saw the evening hours as "slightly" to "moderately" noisy, and sleeping hours as "slightly noisy." The federal staff, however, rated the noise level as "moderately noisy and becoming uncomfortable"--a significantly higher rating than those given by staff at the other two facilities. Inmates at the private prison rated noise levels higher and more uncomfortable than did inmates of the state prison.

From the architecture alone, one might have expected more noise at the private prison. The whole facility was under one roof, not separated into units like the state, and each living unit was much larger, both in size and population. This expectation was moderately borne out by the inmate, if not the staff, survey responses. However, from the site visits and analysis of the unstructured survey comments, complaints about noise did not seem more frequent or intense at either the state or the private prison.

Although no formal measures of lighting were built into this research, this may be a good place to make some observations based on the qualitative data. The standards of the American Correctional Association require natural light in all inmate rooms or cells and this was amply met in both prisons. However, the standards also require illumination at a level of 20 footcandles at desk height and it is doubtful that this was met at the state prison. Interestingly, no inmates complained on the surveys or to the site visitors about lack of light at either facility, but at the private prison there were many complaints about the lighting in the minimum security pods. Inmates said the lights were too bright, hurt their eyes, and gave them headaches. This problem was eventually solved by removing some of the fluorescent bulbs, but it illustrates the principle that a feeling of control over conditions is often more important than the conditions themselves. It was the minimum security inmates who complained about the lighting. In the minimum security pods, the lights initially were either full on or full off, with no individual variation and little differentiation by area. The dayroom area had a separate circuit from the sleeping area, but there was no physical separation, other than a short distance, between the

two. Some inmates wanted the dayroom lights on until 12:30 every night, some wanted them on until 2 a.m., and others complained they had to get up early to work and wanted them off at 10:30. In the common area of the medium security pods, the lighting was just as bright as in the minimum security units, but we heard no complaints there because the inmates could retreat to their own cells where the lights were not as bright and, more importantly, were under their own control.

Food

Table 9.H

<u>Food</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Quality of food at the institution (0=poor, 1=fair, 2=good)			
Inmate mean	1.0 + █	0.4 - █	--- █
2. Variety of the food at the institution (0=poor, 1=fair, 2=good)			
Inmate mean	0.7 + █	0.3 - █	--- █
3. Proportion of inmates who feel enough food is served for the main course			
	.30 = █	.29 = █	--- █
4. Proportion of inmates who feel the appearance of the food is appealing			
	.60 = █	.17 = █	--- █
5. Direct comparison of prisons on meals (-2=state much better, 2=private much better) <sup>a</sup>			
Inmate mean	0.7 + █	0.7 - █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
6. Number of grievances involving food complaints	5 i	4 i	---
a. Rate per capita-6	.02 ■ ■	.02 ■ ■	---

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Single score tested for difference from zero ("about the same").

Food was one of the few aspects of living conditions rated more positively by inmates at the private prison compared to those at the state prison. Inmates rated the quality of food at the private prison as "fair"; the state cuisine received a rating of "poor." Private inmates were also more positive in evaluating the variety of food. In making a direct comparison between the two prisons, inmates at the private who had been confined previously at the state rated meals as "somewhat better" at the private.

The private prison had a larger and more pleasant dining room, which also made meals better, and it was contiguous to the kitchen so it was easier to keep meals hot. The state prison had to transport food from kitchen to dining units and often had trouble with its food carts. Interestingly, food service was contracted at both facilities and the food service supervisor was the same man at each. The food service supervisor reported that in the private prison he had greater control over his budget and much greater flexibility in purchasing, which he felt enabled him to buy better produce. The same state-employed dietician reviewed menus at both prisons and examination by the research team of sample menus for a 5-week cycle revealed good balance and variety at each prison.

### Commissary

Table 9.I

<u>Commissary</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. There is an adequate commissary selection (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-2.0 = ■	-1.8 = ■	---

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Proportion of inmates who reported:			
a. No errors in their commissary account	.54 - ■	.66 + ■	--- ■
b. Errors that were fixed	.32 + ■	.20 - ■	--- ■
c. Errors that were not fixed	.14 = ■	.14 = ■	--- ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Measures of commissary adequacy all came from inmate responses on the surveys at the two New Mexico prisons. Inmates at both prisons were quite dissatisfied with the adequacy of commissary selection. The efficiency of the commissary can be measured by the occurrence and handling of errors in commissary accounts. While fewer inmates at the state prison encountered problems with their commissary accounts, when problems did occur, they were resolved more often at the private prison.

Inmates at the private prison complained that their commissary was expensive and limited in its selection, and that the number of items included in the free monthly issue had been reduced. These charges were at least partly true, but in some cases they were exaggerated and in some others they referred to justifiable eliminations of overly generous state practices.

Comparison of the two prisons' commissary price lists showed that the private prison reduced the total variety of items (from 260 selections at the state to 159 at the private), mostly by reducing the number of brands and variations within product lines (e.g., types of hair conditioners or variety of snacks). For 79 items that were sufficiently matched to compare prices, the private prison charged more for 54, less for 14 and the same for 11. The net increase in price among these items was 11 percent, which was more than ordinary inflation but small in absolute amount since nearly all items on the commissary lists were in the range of \$1 to \$2. Profits from the commissary were used to support programs and purchase equipment for the inmates.

One group of inmates interviewed claimed that their free monthly issue included only one "motel sized" bar of soap per month, but a check in the supply room showed it was half again as large as a motel bath bar and, in any case, they neglected to mention that body soap and shampoo were continuously supplied in the shower areas. A related story, with the makings of a legend, was that the private inmates initially were deprived of soap altogether and that one housing pod "had to share one toothbrush." The omitted explanation was that when the inmates were

transferred, a miscommunication about personal and state-issued property led the state staff in charge of a couple housing units to send their wards off without their soap, washcloths, toothbrushes, toothpaste, and so on. The private prison quickly purchased these items in town, but the tale about their deprivation survived. The anecdote illustrates the risks of taking inmate reports at face value.

Both the state and the private prison had procedures for designating and re-certifying inmates as indigent and therefore eligible to receive an allowance for use at the commissary. In addition, the Duran consent decree specified that the state was to issue certain items, including tobacco, envelopes, and stamps, to all inmates once a month without charge. But the decree did not specify the type and amount of tobacco, so the private prison issued rolling papers and bags of tobacco, while the state prison issued free cigarettes by the carton. The decree did specify an amount for the state issue of envelopes and stamps, but staff at the state prison regarded it as not worth their while to ration these items; the private prison kept accounts and charged for these or any other items beyond the monthly mandated minimum issue.<sup>9</sup>

To a taxpayer, the private prison's commissary and monthly minimum issue policies might seem reasonable, but the inmates, spoiled by the more liberal state policies, felt they were being denied entitlements. As one of them put it: "Commissary is much worse here. State gave us all the envelopes we wanted. They gave us money to spend and more personal hygiene items. Now we have to buy those things we got free. Otherwise we have to have \$0 on our books for 2 weeks, to be declared indigent. They raise the canteen prices every week." The inmates at the private prison received their state issue monthly but wanted it weekly, and they had to fill out order sheets to request all state issue items, which served as receipts, whereas at the state prison those items were just issued automatically.

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<sup>9</sup>Another illustration of the state's profligacy deserves to be buried in a footnote. Uncertain as to what the consent decree would require as the minimum issue of douche, one male supply officer at the state prison ordered enough to provide one per day, every day, for each of the women (a medically inadvisable amount). In addition, the state would issue any number of individually wrapped tampax or tampons, but only on demand, when needed, and not in advance. At the private prison, two packs of 24 sanitary pads were issued at the beginning of each month but any tampons had to be purchased. Less munificent, certainly, but quite adequate and also less embarrassing.

Visitation

Table 9.J

<u>Visitation</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Proportion of inmates who find it hard to arrange visits with family and friends	.55 = █	.56 = █	--- █
2. Proportion of inmates whose family and friends find it hard to arrange visits with them	.52 = █	.54 = █	--- █
3. Average number of visitors reported by inmates	5.3 = █	6.0 = █	--- █
4. Rating of the quality of visits (0=poor, 1=fair, 2=good)			
Inmate mean	1.0 - █	1.3 + █	--- █
5. Perceived occurrence of too many people in the visiting area (0=never, 6=all the time)			
Inmate mean	2.1 + █	2.9 - █	--- █
6. Rating of how often it is hard to talk to a visitor because of too much noise in the visiting area (0=never, 6=all the time)			
Inmate mean	1.9 = █	2.4 = █	--- █
7. Proportion of inmates who feel the visiting room has enough furniture	.24 - █	.43 + █	--- █
8. Proportion of inmates who feel the visiting room has enough vending machines	.30 = █	.32 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
9. Number of grievances involving visitation and mail problems	27 i	8 i	3 i
a. Rate per capita-6	.11 ■ ■	.03 ■ ■	.00 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The majority of inmates at both New Mexico prisons found visits hard to arrange, from both their perspective and the perspective of friends and family on the outside. There were some differences in the inmates' assessment of aspects of the visiting procedures: the state inmates perceived the visiting room to be more crowded, while the private inmates were not as satisfied with the amount of furniture. The overall quality of visits was rated a bit lower by the private, compared to the state, inmates. The one official records measure, grievances filed on subjects of visitation and mail, resulted in a low rating for the private prison, and higher ratings for the state and federal prisons.<sup>10</sup>

Some of the grievances which dealt with visitation and mail at the private prison were related to a change in policy discussed in the previous section, i.e., the number of free stamps and envelopes provided to each inmate was decreased by the private prison administration. Another objection, voiced during our site visit between Thanksgiving and Christmas, unfavorably compared the private prison's restriction of family visitation to the visiting room and courtyard with the state prison's actions a year earlier, when families were allowed to join the inmates for parties on those holidays.

In one area of visitation, the private prison had some success not shared by the state prison. While the state had planned for many years to institute a conjugal visitation program, they never did so. The private prison, even though it had not been discussed or called for in the contract, put such a program in operation within their first six months, using a mobile home purchased for the purpose. Its use was limited, however, by the eligibility requirement of six months clear conduct.

Both the private and the state prison were in full compliance, during their respective reference periods, with the provisions of Duran concerning visitation (See Appendix A, Tables 21 and 22).

<sup>10</sup>Inmate grievances were three times as likely to be about visitation and mail at the private prison (18% of grievances compared to 6% at the state prison). See Table A.12 in Appendix A.

Community Access

Table 9.K

<u>Community Access</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Furloughs	10 i	180 i	39 i
a. Rate per capita-6	.04 ■ ■	.78 ■ ■	.03 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Similar to "Internal Freedom of Movement," the rate of furloughs at a particular prison reflects on both security and on conditions of confinement. Under the dimension of "Security," community access was frowned upon; here, a higher rate of furloughs is regarded as more favorable. The state prison had the highest rate: .78 furloughs per inmate. The private and federal prisons allowed a much lower incidence of furloughs from their institutions.

Furloughs from the state prison were frequent enough to add up to about one per inmate, but it was actually a small set of eligible inmates that accounted for these temporary releases. The state furloughs were for such purposes as church, visits home, shopping, job interviews, parties and picnics, and emergencies.<sup>11</sup> The private prison had no file on furloughs during their first six months, which is not to say that there were none, but from verbal reports it appears that there were few if any. The administration explained this as the result of strict eligibility requirements.

<sup>11</sup>See Appendix A, Table A.7.

SummaryTable 9.1 Summary of Comparisons on Conditions

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	18	31%	16	28%	24	41%	.52
State	16	28%	18	31%	24	41%	.48

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	36	44%	20	24%	26	32%	.60
State	34	41%	21	26%	27	33%	.58
Federal	7	15%	36	75%	5	10%	.20

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

On the whole, the private prison received the highest quality index score on the dimension of "Conditions." However, the state was not much lower: .58, compared with the private's score of .60. The federal prison, at .20, rated much lower on the quality index scale.

Despite its lower rating, a casual visitor to each of the three prisons would probably be most impressed by the federal facility at Alderson, with its large, shaded campus and cottage-style dormitories. Indeed, one study of Alderson reported that inmates often did not want to be visited, because they did not want their families to know how good they had it there.<sup>12</sup> In the few years since that study was done, however, the population at

<sup>12</sup>Claudine Schweber, "The Government's Unique Experiment in Salvaging Women Criminals: Cooperation and Conflict in the Administration of a Women's Prison--The Case of the Federal Industrial Institution for Women at Alderson." Chapter 13 in Nicole Hahn Rafter and Elizabeth A. Stanko, Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice (Boston: Northeastern University Press), pp. 277-303.

Alderson increased greatly, and peaked during the period of this study. Thus, the federal prison received a lower score on the "Conditions" dimension primarily because of crowding and conditions related to crowding. Despite the lower score, it should be stated for the sake of proper perspective that the federal prison, though much older and more crowded than the state and private prisons, was in many ways a more pleasant place to live. For example, the cottages were like dormitory buildings at a small college and the rooms were more like dorm rooms, with normal doors and windows, rather than metal cells with very narrow windows. Thus, the lower score for the federal facility indicates that conditions in New Mexico's state and private women's prisons were really quite good, despite the negative details provided in this chapter about conditions at those two prisons.

While the private prison outscored the state prison on a number of the more objective and quantitative indicators of living conditions, the inmates made it very clear that, from their perspective, their lives were better at the state prison. This was more true of the minimum security inmates than of the mediums, however, which relates to the major factor explaining the difference. Those inmates who had the most control over their environment and who enjoyed the greatest freedoms at the state prison, were most upset about what they saw as their relative deprivation in such areas as freedom of movement, privacy, noise, lighting, visitation, and community access.

## 10. Management ("As Efficiently as Possible")

The key to prison quality is good management. When prisons fail, as John DiIulio has concluded, it is "because they have been ill-managed, under-managed, or not managed at all."<sup>1</sup> None of the prisons compared here could be described as coming even close to failure. As we have seen in preceding chapters, however, they did differ in degrees of relative success across the various dimensions of prison quality, and it is likely that their varying performance in other areas of quality was in large part the result of variation in the quality of their management. This study cannot demonstrate a causal connection, but the findings to come in this chapter will show that the private prison's higher scores on other dimensions of quality were accompanied by higher scores also on the dimension of management.

### Management, General

Table 10.A

<u>Management, General</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on overall work environment (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	1.3 + ■	1.3 - ■	--- ■
2. Direct comparison of prisons on effectiveness of management (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.7 + ■	0.7 - ■	--- ■

<sup>1</sup>John J. DiIulio, Jr., Governing Prisons: A Comparative Study of Correctional Management (New York: The Free Press, 1987), p. 7.

(continued)

PrivateStateFederal

3. Direct comparison of prisons on staff morale (-2=state much better, 2=private much better)<sup>a</sup>

Staff mean

0.7 + ■

0.7 - ■

--- ■

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(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Single score tested for difference from zero ("about the same").

Staff at the private prison who were previously employed by the state facility were asked to make direct comparisons of the two prisons on several measures of management. These staff consistently favored the private prison as being "somewhat better" than the state in comparisons on work environment, effectiveness of management, and staff morale.

The "switchover" staff were asked to add written comments explaining their reasons for making the switch.<sup>2</sup> Most came to take advantage of better pay, better benefits, and better career opportunities. Some commented on the professionalism and challenge of working in private corrections; others indicated their desire to work with female inmates or with other staff members who were also transferring over. One quarter said that they had been frustrated with the state and its bureaucracy.<sup>3</sup>

In the year before the private prison was constructed, state employees were asked whether they planned to transfer or to stay with the state, and to explain their decision.<sup>4</sup> Those who planned to stay with the state facility most commonly feared losing benefits, seniority, job security, and personal safety on the job. Some had reservations about the propriety of privately operated prisons. Another common reason to stay with the state was either the desire to work with males or the desire to avoid working with females. In contrast, state employees who planned to move to the private prison were attracted by the prospect of greater professionalism and higher quality of management. They were also drawn to what they thought would be better career opportunities, better pay, and better working conditions. One quarter commented that they wanted to work with females.

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<sup>2</sup>See Appendix A, Table A.37.

<sup>3</sup>As one put it: "Have worked for private industry before and enjoy the "family" attitudes. Fed up with the bureaucracy of state government!"

<sup>4</sup>See Table A.36 in Appendix A.

All the staff at the private prison, whether they had previously worked for the state or not, were asked to comment generally on the privatization of the women's prison.<sup>5</sup> They said they thought that the private prison was better managed, more efficient, more flexible, and more cost-effective. Only 14 percent of their comments were negative, either toward privatization in general or toward their own facility, while 48 percent thought the company and institutional management were doing a good job and 38 percent thought that privatization was a good idea. One employee summarized several themes echoed in the comments of others:

I believe that this prison being run by a private corporation is more flexible in the changing of policies, rules, and regulations. I also believe that a private company acknowledges the achievements of their personnel more frequently, the rate of pay is higher, advancement is more frequent. Also a private company can run an institution more inexpensively than the state. However, I believe the state institutions gave inmates more freedom of movement.

Unless their experience at the private prison was disastrous, one would expect that employees who chose to leave the state to work in the private facility would naturally have been predisposed to rate their new prison higher. However, in the sections that follow, the positive evaluations by employees who transferred from the public to the private sector will be reinforced by comparisons of all the private employees, as a group, to the state and the federal employees, demonstrating that there was more than just a selection factor operating.

### Job Satisfaction

Table 10.B

<u>Job Satisfaction</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Institution Satisfaction Index: avg. across 3 items expressing positive feelings toward the institution (-3=strongly disagree, 3=strongly agree)			
Staff mean	1.3 = +	1.1 = +	0.5 - -

<sup>5</sup>See Appendix A, Table A.39.

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Proportion of staff who reported filing a grievance against management	.00 + +	.04 - =	.08 - =
3. Proportion of staff who have not filed a grievance, who cite the following reason:			
a. Never had a major complaint	.80 + +	.46 - =	.42 - =
b. Problem was taken care of informally	.08 - -	.21 + =	.28 + =
c. Thought it would be useless	.05 + =	.15 - =	.15 = =
d. Afraid of negative consequences	.04 + =	.17 - =	.10 = =
e. Other reason	.03 = =	.02 = =	.04 = =

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Staff at the three prisons were administered a series of survey questions relating to job satisfaction. On the "Institution Satisfaction Index," ratings by the staff at the two New Mexico prisons were fairly similar; the federal staff rated their institution significantly lower on the scale.

As with inmates, staff often communicate their most serious gripes with the prison administration in the form of grievances. Grievances filed by staff at the private prison were virtually non-existent, and 80 percent of the staff explained that they filed no grievances because they had no major complaints. Staff at the state and federal prisons did file grievances, although not in great numbers. Of those who did not file grievances, less than half explained that they had no major complaints. Informal resolution of the problem was an explanation in 21 percent to 28 percent of the cases of failure to file a grievance. Significant proportions of staff at the state and federal prisons also noted that they thought the procedure would be useless or would produce a negative result.

One reason for higher employee morale and greater job satisfaction at the private prison than at either the state or federal prison was the freshness of the enterprise itself. The private prison was new and different and still exciting to many of the staff, including administrators with many years in public corrections. Quite a few staff had stories to tell about how much easier it was to do various things in the private sector than it had been when they worked for government.

The Warden reported that she now had much more flexibility in hiring, firing, evaluating, assigning, and reassigning personnel than she previously had as a state warden. The hiring process, for example, usually took a few days, compared with four to six weeks for the state. One personnel action that she described as difficult in a state system, but easy in a private institution, was to move an employee from a uniformed post into a position in classification, programs, or administration and later (the hard part) back into uniform.

The Chief of Security, who had served four years as warden for the women's prison under the state, described with relish his first major purchase at the private prison. He felt they needed some additional new vehicles. Under state procedures, he estimated it would have taken him 18 months, with multiple steps across two budget cycles. At the private prison, he obtained permission with a phone call, then bought the vehicles locally, all within 72 hours.

When staff were asked to write comments in the "work environment" section of their survey, over one quarter (26 percent) of the comments made by the private staff praised the facility, its management, and its staff for fostering a positive work environment. Fewer (15 percent) of the comments by the state staff were positive, and most of those referred to the rewards and benefits of working with inmates in general, rather than the merits of that specific facility. The bulk of negative comments at the state prison were derived from discontent with the policies and management practices of the administration of the facility. Many staff complained of rampant favoritism and nepotism. Others were concerned with poor communication or poor management. Another common complaint was heavy workload and undercompensation. At the private facility, the need for better communication with the staff was a common concern. The private staff also remarked on needs for better staff training and for more staff.<sup>6</sup>

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<sup>6</sup>See Appendix A, Tables 34 and 35.

Stress and Burn-out

Table 10.C

<u>Stress and Burn-out</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Job Stress Index: average across 5 items regarding how often staff experience stress on the job (0=never, 6=all the time)			
Staff mean	1.7 + +	2.5 - +	3.0 - -
2. Hardening-Toward-Inmates Index: avg. across 3 items regarding how often staff feel indifferent or harsh toward inmates, (0=never, 6=all the time)			
Staff mean	1.3 + +	2.0 - +	2.5 - -
3. Relating-to-Inmates Index: avg. across 7 items regarding how often staff feel positive about the way they work with inmates (0=never, 6=all the time)			
Staff mean	3.9 + =	3.6 - =	3.6 = =

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The high demands of a prison job make job related stress and burn-out major concerns of corrections professionals. The private prison rated the best on a job stress index. There, job stress symptoms were reported as being "rare." At the state and federal prisons, however, such symptoms were more common ("now and then"). The "hardening-toward-inmates" index, a measure of burnout, showed a similar pattern: the private fared well, while the state and federal prisons received significantly less favorable ratings.

The higher morale among staff at the private prison was even remarked upon by one inmate, who said in an interview that "the staff at [the state prison] were more burned out and quick to be harsh and impatient. Staff at [the private prison] are younger and more professional and polite." The Chief of Security at the private prison noted that his staff were more enthused, more energetic, and took more responsibility than did his former staff

when he was warden for the state. Most of the junior custody staff were cadets together in two consecutive classes at the state training academy, which gave them some extra esprit de corps from the beginning. The staff hired away from the state prison were described by the Chief of Security as "above average and fairly experienced." However, the state facility did not feel that it had lost its best talent and was pleased that the departure of some upper level people created opportunities for advancement in a system that had begun to stagnate because of accumulated seniority, intractable civil service rules, and lack of geographic mobility.

Since the three prisons showed a pattern of higher scores on stress, burnout, and hardening among staff at older facilities, it may be that the private prison's advantage here will be temporary. However, it is also quite possible that the private staff will find itself less "locked in" by the higher job security and greater certainty of benefits that the state staff frequently reported as a major reason for remaining with the state.

#### Staff Turnover

Table 10.D

<u>Staff Turnover</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Staff on reference date divided into:			
a. Vacancies on reference date	.07 ■ ■	.05 ■ ■	--- ■ ■ ■
b. Terminations during previous 6 months	.12 ■ ■	.10 ■ ■	.03 ■ ■
2. Termination rate divided by relevant BOP tenure-specific rate <sup>a</sup>	.36 ■ ■	1.67 ■ ■	1.50 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Comparison is to BOP average turnover among staff in their first year (33%), third year (6%), and eighth year (2%), which correspond to the average tenures of staff at the private, state, and federal prisons, respectively.

The stability of staff employment in any organization is an important reflection of the job conditions of that institution.

The two New Mexico prisons reported similar rates of staff vacancies and terminations. The federal prison reported a lower rate of terminations during the reference period.

In the prison system, there is an expected pattern of turnover based on the tenure of operation of the facility. The Bureau of Prisons has calculated termination rates based on the different lengths of operation of a prison, which allows us to adjust for that factor. The private prison had a turnover rate that was much lower than would be expected for a newly opened facility according to the BOP formula, and this is a positive indicator. The state and the federal prisons, on the other hand, reported turnover rates that were higher than would be expected.

To put this measure in a broader perspective, it should be mentioned that turnover at the private prison was below the national average, and at the state and federal prisons it was way below that norm.

Staff and Management Relations

Table 10.E

<u>Staff and Management Relations</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Direct comparison of prisons on staff/management relations (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.6 = █	0.6 = █	--- █
2. Management & Communication Index: avg. across 10 items expressing positive appraisals of the organization and authority of management (-3=strongly disagree, 3=strongly agree)			
Staff mean	1.3 + +	0.7 - +	0.3 - -

<sup>7</sup>A recent survey of state departments of corrections found an average annual turnover rate for correctional officers of 15 percent and a range from four percent (Pennsylvania) to 60 percent (Louisiana). Corrections Compendium, November, 1988, p. 9.

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Relationship-with-Supervisor Index: avg. across 6 items regarding how positive staff feel toward their supervisor (-3=strongly disagree, 3=strongly agree)			
Staff mean	0.9 = +	0.5 = =	0.4 - =
4. Rating of how the building design affects communica- tion among line staff (-2=greatly inhibits, 2=greatly facilitates)			
Staff mean	0.4 + +	-0.2 - +	-0.9 - -
5. Rating of how the building design affects communica- tion between line staff and supervisors (-2=greatly inhibits, 2=greatly facilitates communication)			
Staff mean	0.3 + +	-0.1 - +	-0.7 - -

(i) Informational (+) Favorable (-) Unfavorable (=) Similar  
<sup>a</sup>Single score tested for difference from zero ("about the same").

Solid communication and positive relationships between staff and management are important components of the effective management of a prison. Staff with experience at both New Mexico prisons did not perceive much difference between the two prisons when asked to make a direct comparison on the quality of staff/management relations. There were, however, differences between the private and the state prisons on the other measures of relations between staff and management. On these measures, the private staff gave responses more favorable than the state staff, and responses from the federal staff were least positive. The private staff regarded the design of their facility as an enhancer of communication among line staff and between line staff and management; both the state and federal staff saw their physical plants as inhibitors of effective communication.

The private staff scored higher than the state staff on the following components of the Management and Communication Index: "formal communication of information is effective"; "it is possible to change things in this institution"; "I am told promptly when there is a change in policy, rules or regulations

that affects me"; "management is flexible enough to make changes when necessary"; "I have the authority I need to accomplish my work objectives."

Authority in the private prison was more decentralized, and less hierarchical, paramilitary, and bureaucratic than it was at the state prison.<sup>8</sup> The staff felt they were given more responsibility and had greater control over their jobs. In their survey comments under "Work Environment," staff at the private prison complained half as often about problems of management, administration or policy (32 percent of comments, compared to 60 percent at the state prison) and had more words of praise for their administration (26 percent of comments compared to 15 percent at the state prison).<sup>9</sup>

The man who was Director of Education, first at the state and then at the private prison, reported that decentralization at the private prison had greatly facilitated the operation of the education department, since all communications and decisions no longer had to go up and down long chains of commands in multiple copy forms. Many decisions at the private institution he simply made himself, since he had much greater autonomy than before, and for others he needed only to consult with the warden or to phone the central office of Education Corporation of America (his employers, under subcontract to Corrections Corporation of America). He said that all decision making at the private facility was much more informal, faster, and more flexible. Perhaps related to the change from hierarchical to decentralized authority, the education director also reported that there was less conflict between the security staff and the treatment staff, a common problem in prisons. "All the staff here work better with each other and cooperate across departments," he said. "There is more professionalism; they are more polite. I haven't been called an asshole once since we came here."

Whether authority is centralized or dispersed, there is a consensus in the field that a warden needs to make his or her personal presence felt, both by staff and by inmates, on a continuous basis. This is commonly referred to as MBWA--Management By Walking Around. Both of the study's consulting experts, and a considerable number of inmates (but few staff) criticized the warden at the private facility for not going back into the living units and program areas of the institution more often. Notwithstanding the inmates' desire for more frequent contact,

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<sup>8</sup>Dr. DiIulio remarked, with approval, on the "paramilitary, spit-and-polish" discipline and organizational structure at the state prison and characterized the private prison, also with approval, as having "team management."

<sup>9</sup>See Appendix A, Tables 34 and 35.

the private warden was quite clearly in charge and very well informed of all that went on in her institution.<sup>10</sup>

One management headache at the state prison disappeared with privatization. Staff and inmates alike at the state prison made strong charges of favoritism, both among staff and between staff and inmates, stemming from nepotism, romantic relationships, and other forms of personal bias. One fifth of the comments by state staff on the Work Environment section of their survey were complaints that favoritism, nepotism, and fraternizing interfered with working relationships.

As the major employer in a small town it is not surprising that either prison would have a number of related individuals on the staff. While complaints of nepotism were heard from inmates at both prisons,<sup>11</sup> it was only at the state prison that it was also a frequent complaint by staff.<sup>12</sup> As one state worker put it:

There is too much favoritism in this facility. If you don't belong to the elite, you don't get anywhere. There are too many families working here. Husbands, wives, girlfriends, boyfriends, sisters, cousins, aunts, uncles, mothers, fathers, brothers; that should be eliminated.

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<sup>10</sup>Actually, when the private inmates complained that they did not see enough of their warden, they were probably saying that they wished that she would be more responsive to their demands. As Dr. DiIulio remarked in his report on the private prison: "Inmates tend to have little affinity for their warden; [these] inmates are no exception. Johnson is definitely not an 'inmate's warden' or a 'Warden Yes.' Rather, Johnson seems to go 'by the book.' For example, in terms of clothing, personal care items, stamps, and the like, [inmates at the private prison] get from the institution precisely what the rules of the Department of Corrections, CCA's contract with New Mexico, and the provisions of Duran indicate, no more, no less. Likewise, in terms of inmate organizations and special requests, she grants only those proposals that fall within the guidelines, and she insists that inmates follow the procedures specified in the Inmate Handbook."

<sup>11</sup>From an inmate at the state prison: "Nepotism is so widespread that if you get written up by one officer, it will be served to you by a relative of that officer." From an inmate at the private prison: "Nepotism--one officer gives report, another serves it to you, another processes it, you have a hearing--all four officers are related. It's useless."

<sup>12</sup>The only staff member at the private prison who even mentioned nepotism was a correctional officer who said: "I left [the state prison] because my husband worked there and we really hated the nepotism. A lot of it was really bad and we didn't want people to think we were part of it, so we hardly spoke to each other on the job. Coming here was a promotion as well as a relief from that atmosphere."

These charges may have been exaggerated, but they were not unfounded. They were, in fact, recognized by the warden at the state prison, and his response when told of the survey findings speaks well of him as a manager. He used the research documentation to support some personnel actions he had been wanting to take for some time, to reduce the problem of cliques and too-cozy networks among the staff.

In general, the difference between the state and the private prisons in the area of staff and management relations conformed to popular impressions of the difference between public and private employment. The private warden reported that her staff were very aware of and responsive to the fact that their salaries and promotions were much more performance driven than had been her experience during many years of working in state corrections. This was confirmed by Dr. DiIulio through interviews of corrections officers, who "celebrated (rather than complained about) the fact that they had a vast amount of responsibility and discretion in their day-to-day work. . . . They said they understood what sorts of things they needed to do in order to move up in the organization, and they were satisfied that promotion and related decisions were made mainly on a performance basis. . . . This was one of the many differences between private and public sector management that they valued. 'You can't just retire in rank here the way you can in a public agency,' noted one Commander." For the most part, former state employees assimilated well into the private environment.<sup>13</sup>

One particularly positive aspect of the New Mexico prison contract was the ability of the company and the state to work well together, a fact very much to the credit of each party. Unlike Florida and Texas, where the departments of corrections have treated prison contractors as alien and threatening competitors, the State of New Mexico worked to integrate its privately contracted prison into the rest of its system. They welcomed the managerial and operational flexibility of a private operation as an enhancement of their own. No one in New Mexico--not in the NMCD central offices, not at the state prison, not at the private

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<sup>13</sup>Only one dissent to this view was encountered. One private staff member said: "Being CCA's first prison [not quite true] I believe it is being run extremely well. I even feel they can run this prison much better than the state. CCA being new in corrections was hard pressed [overstated] to hire experienced staff. All high positions such as: Senior Correctional Officer, Commander, etc, are all ex-state employees. In my opinion this has produced a clash between the few CCA employees that transferred from other CCA operations and state employees. This is most noticeable to me and also to many inmates. State employees seem to be unable to work well together. Seldom does a day go by that I don't hear a crude remark from one about the other." [The bracketed comments are mine. C.L.]

prison, not even the inmates--regarded the privately operated prison as anything other than a fully integrated component of the state's total correctional system, albeit a special one. The Secretary of Corrections, the Director of Adult Corrections, and other top officials of the NMCD in Santa Fe made it clear in interviews that they saw a contracted facility as an expansion of their own capabilities, a way to do things differently than they would otherwise have to. As one official put it, the state bureaucracy is designed to say "No"; it has trouble saying "Yes." When it acts through a contractor, a government agency is sometimes not subject to as many regulations from as many other agencies (Property Division, Risk Management Division, Personnel, etc.) as it is when it acts directly itself.

### Staff Experience

Table 10.F

<u>Staff Experience</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Average number of years worked at this institution	0.5 - -	3.0 + -	8.1 + +
2. Average number of other facilities worked in prior to this facility	0.9 = +	0.7 = =	0.4 - =
3. Average years in corrections			
a. Total staff, minus services staff	2.8 = ■	3.3 = ■	7.6 ■ ■
b. Custody staff	2.3 = ■	2.7 = ■	--- ■■■
c. Top administrators	14.3 + ■	5.5 - ■	--- ■■■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

There are three principal contributors to the quality and the effectiveness of prison staff: experience, education, and training. Table 10.F compares the private, state, and federal institutions on the first of these three. "The average number of years worked at this institution" is an item which is mostly a function of how long the institution in question had been operational at the time of the staff survey. The private facility staff reported an average of only half a year experience with that prison, but the private facility had only been open that long at the time of the survey. The state prison had been in operation for approximately four years, and its staff reported an average

tenure of three years. The federal prison had been opened for a lengthy period--the facility was opened in 1927--so the longer average service of that staff (8 years) is no surprise.

The average career experience of staff in the field of corrections, at that or any institution, did not differ much between the New Mexico prisons, except that the top administrators at the private prison had much longer careers in corrections than their counterparts at the state prison. Looking at the staff as a whole (but minus the services staff, for whom this information was not complete), the federal prison staff reported an average of 7.6 years in corrections, a figure which is more than twice that of the New Mexico prisons.

The person whose experience counts most is the warden, and both prisons in New Mexico were blessed with very able and talented leaders. However, the nod would have to go to the private prison on this score also, at least in terms of objectively reviewable credentials.

John Shanks, 52, was the warden for the state prison. On the reference date for the state evaluation (December, 1988), Shanks had been warden for six months, but he had been working with the women in other capacities for the previous six years, as they were moved about from one to another of New Mexico's male (or mixed) facilities. Altogether, he had been with the New Mexico Corrections Department for nine years. His prior relevant background included 15 years of police experience in Texas. He was completing work on a concurrent B.A./M.A. program in management at the time of the study.

The warden at the private prison was Sharon Johnson. Though about 15 years junior to Shanks in age, she was senior in directly relevant corrections experience. Like Shanks, she had been warden for six months at the time her prison was evaluated for this study, but for the previous six years she had been warden of another and much larger prison, the 500-bed Maryland Correctional Institution for Women in Jessup, Maryland. Her professional experience in corrections covered a total period of 13 years, including three years as Director of Program Services for the Maryland Division of Corrections and four years as Assistant Director of the Commission on Accreditation for Corrections, where she participated in the overall design, implementation, and evaluation of the national program that audits prisons and jails at all levels of government for accreditation under the standards of the American Correctional Association. She had developed a national profile through very active involvement in the American Correctional Association, the National Institute of Corrections, and the North American Association of Wardens and Superintendents (NAWS). She was in her second year of office as First Vice President of the NAWS when she came to Grants. Prior to her corrections career, Warden Johnson worked for the American Bar

Association, the Police Foundation, and the International Association of Chiefs of Police. She earned a B.A. in journalism at the University of Georgia.

As indicated in Table 10.F, the private prison was, if anything, a little top-heavy with experience. This comes from the private sector's ability to offer second careers to seasoned veterans retiring at a relatively early age from public service. The Assistant Warden and the Chief of Security were both former wardens in the New Mexico corrections system, the latter having retired one year earlier, following four-plus years as warden for New Mexico's female felons at their various locations.

### Education

Table 10.G

<u>Education</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Average years of education (excluding services staff)	13.0 + ■	12.5 - ■	14.1 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The average length of education was slightly higher at the private prison than at the state prison; both, however reported an average which was only slightly higher than completion of high school. The federal prison reported an average of 14.1 years completed, which is the equivalent of some college, or an associates degree.

### Training

Table 10.H

<u>Training</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Training Index: avg. across 5 items regarding the effectiveness and quality of the training program, (-3=strongly disagree, 3=strongly agree)			

Staff mean	1.1 = =	0.8 = =	0.7 = =
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(continued)

PrivateStateFederal

2. Direct comparison of prisons  
on staff training programs  
(-2=state much better,  
2=private much better)<sup>a</sup>

Staff mean

0.1 = ■

0.1 = ■

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(i) Informational (+) Favorable (-) Unfavorable (=) Similar

<sup>a</sup>Single score tested for difference from zero ("about the same").

The third predictor of staff performance and effectiveness is the length and quality of training provided for staff members. Staff at the private prison who transferred from state employment did not report any difference between the prisons in direct comparison of training programs. The same held true for the staff survey questions asked of staff at the three prisons: there were no significant differences between the three facilities on the five-item index of questions about training effectiveness.

Both the federal and the New Mexico correctional systems require more training than most states, so the equal levels of staff satisfaction at the three prisons probably speaks well for all of them. Three factors accounted for the similarity of training between the private and the state prison. First, it was written into the contract that the state would provide all new private corrections officers with the same pre-service training, at its own academy, that it gives its own new officers. Also by contract, the private company was required to provide the same amount and type of yearly in-service training as does the state. Second, the Duran consent decree, which applies to state and private facilities alike, dictates that training be provided that meets American Correctional Association standards. Third, the significant number of former state employees at the private prison, especially at the middle and upper levels of authority, ensured continuity and similarity of training. In particular, the Personnel and Training officer at the private prison was one of the ones who transferred from the state along with the inmates.

Salary and OvertimeTable 10.I

<u>Salary and Overtime</u> (6 month period)	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Average salary (in \$1,000s)			
a. Total, minus services staff	18.3 = ■	17.9 = ■	25.9 # ■
b. Custody staff	17.3 = ■	17.3 = ■	--- ■
c. Top administrators	34.7 + ■	26.7 - ■	--- ■
2. Average number of overtime hours worked in a week	2.6 = ■	3.4 = ■	--- ■
3. Average proportion of overtime compensated by:			
a. Extra pay	35.3 = ■	34.4 = ■	--- ■
b. Compensatory time	22.5 = ■	22.0 = ■	--- ■
c. No compensation	39.9 = ■	41.0 = ■	--- ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

The average salary of staff (minus the staff employed in services divisions such as medical and education, for whom this information was not complete) was higher at the private prison than at the state, but not significantly so. Custody staff at both New Mexico prisons were at equal salaries, while top administrators at the private prison were paid a higher average salary--\$34,700 versus \$26,700. The federal staff overall enjoyed a much higher salary than was the case at either of the New Mexico prisons.<sup>14</sup>

The higher salary for top administrators at the private prison was commensurate with their higher level of experience but also reflected the fact that those salaries were not limited by the ceilings typical of governmental personnel regulations. The professional services staff might also have been affected by the

<sup>14</sup>Salaries were interpreted here as "more - better," though that proposition is certainly debatable. In any case, the salaries were not too different from national standards, so we do not need to address the question of upper and lower limits for a positive interpretation. In 1988, the national average salary for all (not starting) correctional officers was \$21,000, ranging from \$13,832 to \$40,000. See Corrections Compendium, November, 1988, p. 9.

greater flexibility in the private sector, but sufficient information was not available to test this. However, the head of the medical clinic said that she had been offered more money to return to state service but she preferred the working conditions and her greater authority at the private prison. Salaries for custody staff were kept even between the two prisons by the fact that they were in direct competition within the same labor pool. Thus, the fear of critics of privatization that profit seeking companies will try to save money by paying lower salaries, thereby attracting and retaining a less qualified workforce, was not borne out in this public-private comparison.

While salary size is a major incentive for both public and private employees, it is not their only motivator. Many state employees cited the security of their jobs and fringe benefits as the major reason they did not want to work at the private prison. Ambition and willingness to take risks were more characteristic of the private staff. One employee who had been with the private company for several years before coming to the prison at Grants expressed satisfaction with the payoff (so far) on his stock-based pension plan compared to the retirement benefits he earned when he had worked for (a different) state government:

I like the E.S.O.P. [Employee Stock Ownership Plan] compared to the P.E.R.A. [state pension system]. I've made more money with E.S.O.P. in 5 years than 5 with the state; the stocks have doubled.

Of course, the value of the stock-based benefits was not guaranteed, but staff at all levels of the private prison seemed to share a proprietary attitude toward "their" prison and an optimistic view that they personally could help to make it succeed. As a symbol of this perspective, a special board inside the staff entrance held a daily posting of the company's stock price.

The state and private prisons did not differ significantly in their use of overtime or in the way in which it was compensated. Though included here with salary, if the slightly lower amount of overtime required at the private prison had been statistically significant, it would have carried implications also for the issue of staffing efficiency, to which we now turn.

Staffing Efficiency

Table 10.J

<u>Staffing Efficiency</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
1. Number of resident inmates per (FTE) staff member on reference date	1.7 ■ ■	1.4 ■ ■	3.5 ■ ■

(i) Informational (+) Favorable (-) Unfavorable (=) Similar

Staffing efficiency refers to the ability of a prison to operate effectively and safely with the minimum number of necessary staff. According to this definition, a higher ratio of inmates per staff member is a positive indication of managerial efficiency.<sup>15</sup> The federal prison rated the best according to this measure, with a ratio of 3.5 inmates to each staff member. The New Mexico prisons did not differ from one another, but did differ greatly from the federal institution: they each maintained a ratio about half that of the federal prison.<sup>16</sup>

As of January 1, 1989, the 50 states plus the District of Columbia and the Federal Prison System reported an average ratio of one correctional officer per 4.8 inmates.<sup>17</sup> In comparison, the private, state, and federal ratios reported above refer to one staff member per 1.7, 1.4, and 3.5 inmates, respectively. Even allowing a little downward adjustment in the national

<sup>15</sup>At some point, a prison could become too "staff efficient," when measured in this manner, if the number of inmates became too large to cope with effectively. Were this to happen, however, it should show up on other dimensions of quality, such as safety, security, or care. There was no indication in the preceding chapters on those dimensions that any of these three prisons were insufficiently staffed for those purposes. In fact, as will be shown below, all three of these prisons were, if anything, over-staffed.

<sup>16</sup>Staff were counted here in Full Time Equivalency (FTE) values, except for Federal staff, which were assumed to be all fulltime. In this table only, the State figure was based on all inmates (including males) and included all staff, whether assigned formally to the male (RDC) or the female (CCW) units. This gave the best measure of the state institution's overall staff workload, because of overlapping duties between these categories of officers.

<sup>17</sup>George M. and Camille Graham Camp, The Corrections Yearbook, 1989 (South Salem, NY: Criminal Justice Institute), pp. 44-45. The ratio for the federal system was 9.5 inmates per correctional officer; only Oregon was higher, with 9.8. The ratio for New Mexico was 2.9 inmates per officer; only Vermont was lower, with 2.8.

figure, to allow for a hypothetical conversion from a base of "officers" to a base of "staff," it is clear that all three prisons examined here had fewer inmates per staff member than was the national norm.

Thus, in comparison to national norms, none of these three prisons could be called "too staff efficient." In fact, if anything, they were "staff intensive" or "staff inefficient." This was particularly the case for the New Mexico prisons. However, while the federal women's prison was staffed at about the national rate, compared to the federal system as a whole, it too was overstaffed.

It may be that women's prisons have a tendency to be staff intensive simply because there are so few female prisoners. However, it is surprising that there was so little difference between the state and the private staffing levels, particularly given the much more efficient physical design of the private facility and its presumably greater incentive to save on labor costs. The private inmate-to-staff ratio of 1.7 could be described as 21 percent more efficient than the state ratio of 1.4, but the difference was judged to be "not significant" because the state and private prisons were so much more similar to each other than either one was to the federal prison.

The question thus becomes: what was it about New Mexico that made it more staff intensive than other states, particularly for the women's prison, and why was the private prison not able to change it much? The answer, as for most corrections questions in New Mexico, lies in the Duran consent decree. While the decree did not specify staffing levels according to any set formula, it was common for the Special Master to appoint expert consultants to determine how many staff an institution would need to produce the substantive changes required to bring it into full compliance. The answer was usually some variation of "More."<sup>18</sup> Given the high staff level built up in the state prison under the

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<sup>18</sup>For example, in January, 1985, the state prison had 127 security staff; an expert appointed by the Special Master estimated that 145 were needed to provide full security compliance with Duran. He noted that even this many would not be enough if he were to be really strict, because "...the configuration of cellblocks at WNMCF makes it impossible to have voice contact with all prisoners at all times [as required by the decree] in the absence of an exorbitant staffing level. . . 160 correctional officers would be required for cellblock duty alone if one officer were to be stationed in each cellblock on all shifts seven days per week." See Twentieth Report of the Special Master on the Defendants' State of Compliance (WNMCF), January 1985, pp 9, 11. As it was, the expert determined that the state prison was spending much more on extra wages for overtime, trying to keep up with the requirements of the decree, than it would have cost to have hired the additional staff in the first place.

consent decree, the private prison became locked into that same pattern by contract.<sup>19</sup>

### Summary

Table 10.1 Summary of Comparisons on Management

Private/State Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	17	46%	2	5%	18	49%	.70
State	2	5%	17	46%	18	49%	.30

Private/State/Federal Comparisons							
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	28	47%	8	13%	24	40%	.67
State	8	13%	23	38%	29	48%	.38
Federal	12	26%	17	37%	17	37%	.45

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Overall, the private prison appeared to have the most effective and efficient management of the three prisons, with a quality index rating of .67. The federal prison lagged distinctly, at .45, and the state-managed facility received the lowest quality index rating (.38) on the dimension of management.

It must be re-emphasized that these are comparative ratings. The state prison could not by any stretch of the imagination be

<sup>19</sup>Article 5.3.2. of the contract stated: "The Contractor shall provide a staffing pattern of eighty-five (85) full time, equivalent employees, said employees to vary below that number by no more than ten (10) percent of eighty-five (85)." This number was based on the number of staff at the state prison assigned to the women's side of the operation (disregarding the more numerous male RDC cases).

described as having been badly managed. Both of the visiting experts, Dr.s Thomas and DiIulio, made it quite clear that they were very impressed by the warden and other administrators at the state prison. Neither the state nor the federal facility was a troubled prison suffering from any crisis of leadership. Still, on both objective and subjective indicators of quality of management, the private prison outperformed the two governmental facilities.

My interpretation of the findings in this chapter is that private management of prisons may have some advantages over public management, including greater flexibility in both budgetary and personnel matters, without loss of accountability. This interpretation was shared by one of the study's consultant's, Dr. Charles Thomas. The other consultant, Dr. John DiIulio, believed that the virtues and achievements of the private prison, even though they produced "a clear net improvement" over the state, were not uniquely the products of privatization. That is, he believed that what the private prison had accomplished should also have been achievable under government management and that, in any case, the latter is philosophically preferable to the former.<sup>20</sup> Professor DiIulio and I have debated these philosophical questions elsewhere.<sup>21</sup> My concern here is with empirical matters, and on these the conclusion seems clear: Across a variety of measures of the efficiency and effectiveness of management, this particular private prison distinctly outperformed its state and federal counterparts.

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<sup>20</sup>From DiIulio's report on the private prison: "I would like to suggest that there is no reason that government cannot achieve most or all of the ostensible benefits of private arrangements without crossing the privatization rubicon. If we think in terms of 'deregulating' public administration rather than 'privatizing' it, then I see a clear path to achieving these benefits--and without suffering the moral wrinkles of privatization schemes. . . . NMWCF [the private prison] is a good facility; it would be even better--and less morally problematic--were it a product of government reform rather than government sales."

<sup>21</sup>See Charles H. Logan, Private Prisons: Cons and Pros (Oxford University Press, 1990), Chapter 4; and John J. DiIulio, Jr., "What's Wrong with Private Prisons," The Public Interest No. 92 (Summer 1988): 66-83.

## 11. Summary Measures and Models

The last eight chapters examined in detail numerous measures of the "quality of confinement" within each of eight separate dimensions. The focus was on describing, interpreting, and explaining differences between a private, a state, and a federal prison on specific indicators or in particular areas. Each chapter also produced a summary measure, the Prison Quality Index (PQI), capturing numerically the comparative performance of each prison on that dimension.

In this chapter, the Quality Index scores will be examined further, to look for patterns, or models, of variation in the prison rankings according to the type of dimension examined and the source or type of data used.

### Ranking the Private, State, and Federal Prisons

Table 11.1 shows how each of the three prisons compared to the other two in a three-way comparison on the many empirical measures of quality of confinement across the eight dimensions of quality. One noteworthy finding brought out clearly in Table 11.1 is the fact that the modal comparison among these prisons was one of "similarity." In 15 of the 27 rows, the prison being compared was shown to be similar to the others at least as often or more often than it was shown in either a "favorable" or an "unfavorable" light. A prison is a prison, whether it be private, state, or federal, and that identity seems to put a substantial stamp of commonality on the character and quality of institutions, whatever their administrative form. In short, these public and private prisons were more often alike on any one dimension than they were either superior or inferior.<sup>1</sup>

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<sup>1</sup>Previous research by the Urban Institute also found substantial similarity between public and private correctional facilities. Of 191 performance indicators comparing a state to a private minimum security prison in Kentucky, 70 percent produced differences that either failed to achieve statistical significance or were not testable. For three matched pairs of publicly and privately operated secure treatment facilities for juveniles in Massachusetts, 57 percent of 131 comparisons were nonsignificant. See Comparison of Privately and Publicly Operated Corrections Facilities in Kentucky and Massachusetts (Washington, DC: The Urban Institute, August, 1989).

Table 11.1  
 Number and Percentage of **Three-Way** Comparisons  
 among Private, State, and Federal Prisons That Were  
 Favorable (+), Unfavorable (-), and Similar (=) in Outcome

<u>Dimension</u>	<b>Private Compared to Others</b>					
	<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%
<b>OVERALL</b>	<b>187</b>	<b>40%</b>	<b>75</b>	<b>16%</b>	<b>202</b>	<b>44%</b>

<u>Dimension</u>	<b>State Compared to Others</b>					
	<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%
<b>OVERALL</b>	<b>101</b>	<b>22%</b>	<b>159</b>	<b>34%</b>	<b>204</b>	<b>44%</b>

<u>Dimension</u>	<b>Federal Compared to Others</b>					
	<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%
<b>OVERALL</b>	<b>62</b>	<b>24%</b>	<b>116</b>	<b>44%</b>	<b>84</b>	<b>32%</b>

Table 11.2  
 Number and Percentage of Two-Way Comparisons  
 between Private, State, and Federal Prisons That Were  
 Favorable (+), Unfavorable (-), and Similar (=) in Outcome

<u>Dimension</u>	<b>Private Compared to State</b>					
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Security	10	30%	3	9%	20	61%
Safety	24	49%	4	8%	21	43%
Order	21	47%	6	13%	18	40%
Care	8	26%	10	32%	13	42%
Activity	6	21%	2	7%	21	72%
Justice	15	29%	9	18%	27	53%
Conditions	18	31%	16	28%	24	41%
Management	17	46%	2	5%	18	49%
<b>OVERALL</b>	<b>119</b>	<b>36%</b>	<b>53</b>	<b>16%</b>	<b>161</b>	<b>48%</b>

<u>Dimension</u>	<b>State Compared to Federal</b>					
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Security	7	33%	9	43%	5	24%
Safety	4	15%	10	38%	12	46%
Order	3	25%	4	33%	5	42%
Care	4	57%	1	14%	2	29%
Activity	4	44%	2	22%	3	33%
Justice	2	22%	5	56%	2	22%
Conditions	18	75%	3	12%	3	13%
Management	6	26%	6	26%	11	48%
<b>OVERALL</b>	<b>48</b>	<b>37%</b>	<b>40</b>	<b>30%</b>	<b>43</b>	<b>33%</b>

<u>Dimension</u>	<b>Federal Compared to Private</b>					
	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Security	3	14%	8	38%	10	48%
Safety	2	8%	13	50%	11	42%
Order	1	8%	8	67%	3	25%
Care	1	14%	3	43%	3	43%
Activity	2	22%	3	33%	4	44%
Justice	3	33%	4	44%	2	22%
Conditions	4	17%	18	75%	2	8%
Management	6	26%	11	48%	6	26%
<b>OVERALL</b>	<b>22</b>	<b>17%</b>	<b>68</b>	<b>52%</b>	<b>41</b>	<b>31%</b>

Table 11.2 shows how the measures of prison quality distributed when the three prisons were compared two at a time. Of greatest interest is the comparison of the private and state prisons in New Mexico. Overall, and on six of the eight dimensions, the private and state prisons were similar on more measures than either was superior to the other (i.e., more equalities than either positives or negatives separately). On three dimensions, the two prisons were alike on more measures than they were different in either direction (combining positives and negatives). Thus, one major conclusion is that private operation of the women's prison in New Mexico was substantially comparable to its previous operation by the state.

Where changes in performance did occur, however, it was almost always the private prison that scored higher than the state prison. Overall, and on every dimension except Care, the number and percentage of measures favorable to the private prison outweighed the number and percentage favorable to the state prison. Overall, the private prison's ratio of favorable to unfavorable comparisons vis a vis the state was 2.2 to 1. Across the dimensions, its advantage ranged from a factor of 1.1 to a factor of 8.5. On the one dimension (Care) where the state outperformed the private prison, the comparisons were very close, with eight measures favoring the private prison and ten measures favoring the state prison, giving the state prison an advantage ratio of 1.25, or the private prison a disadvantage ratio of 0.8.<sup>2</sup>

This method of summarizing comparisons is a little awkward, and particularly so when comparing three prisons at a time. The Prison Quality Index provides a method of comparing any number of prisons across an unequal number of measures, and then ranking each prison relative to the others, just as sports teams playing an unequal number of games can be ranked as to their standing in the league as a result of a series of pairwise comparisons (games).

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<sup>2</sup>Results in the Urban Institute study were even more favorable to private over state correctional operations in Kentucky and Massachusetts. In Kentucky, the ratio of comparisons favoring the private prison over the state prison was 2.6 overall, with a ratio of 1.5 on the dimension of Social Adjustment and Rehabilitation, of 2.4 each on the dimensions of Conditions of Confinement and Internal Security and Control, and of 6.0 on the dimension of Management Issues. In Massachusetts the ratio of comparisons favoring a set of private juvenile facilities over their matched state counterparts was 8.3 overall, with a ratio of 5.5 on the dimension of Management and Staffing, of 7.0 on the dimension of Conditions of Confinement, of 10.0 on the dimension of Social Adjustment and Rehabilitation, and of 15.0 on the dimension of Internal Security and Control. See Comparison of Privately and Publicly Operated Corrections Facilities in Kentucky and Massachusetts (Washington, DC: The Urban Institute, August, 1989), Executive Summary Tables ES-5 and ES-6.

## Rankings by Prison Quality Index Scores

The Prison Quality Index (PQI) is defined as follows:

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

Tables 11.1 and 11.2 give all the information needed to construct PQI scores for the private, state, and federal prisons in three-way and two-way comparisons to each other.<sup>3</sup> Table 11.3 presents the results of those computations. For easier comprehension, however, refer to the corresponding bar charts in Figures 11.1 and 11.2.

By any absolute standards, as discussed in the preceding chapters, all three of these prisons 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 by the tendency of the bars in both Figures to top out in the middle half of the charts, neither the two-way nor the three-way comparison shows any really extreme differences among the prisons in their relative quality of confinement scores. Since the PQI scores are relative indicators, however, one must make comparative judgments even while emphasizing that they are of the "good, better, best" variety. Also, it is important to look for patterns among the scores across dimensions, rather than trying to interpret the numerical values of particular scores or the significance of a difference on any one dimension.

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<sup>3</sup>All comparisons are pairwise, on any single measurement item, but a two-way comparison is just one pairwise comparison, while a three-way comparison consists of all three possible pairwise comparisons.

Table 11.3  
Quality Index Scores for Private, State, and  
Federal Prisons in Two-Way and Three-Way Comparisons

<u>Two-Way Comparisons</u>			
<u>Dimension</u>	<u>Private/State</u>	<u>Private/Federal</u>	<u>State/Federal</u>
Security	(.61 / .39)	(.62 / .38)	(.45 / .55)
Safety	(.70 / .30)	(.71 / .29)	(.38 / .62)
Order	(.67 / .33)	(.79 / .21)	(.46 / .54)
Care	(.45 / .55)	(.64 / .36)	(.71 / .29)
Activity	(.57 / .43)	(.56 / .44)	(.61 / .39)
Justice	(.56 / .44)	(.56 / .44)	(.33 / .67)
Conditions	(.52 / .48)	(.79 / .21)	(.81 / .19)
Management	(.70 / .30)	(.61 / .39)	(.50 / .50)
<b>OVERALL</b>	<b>(.60 / .40)</b>	<b>(.68 / .32)</b>	<b>(.53 / .47)</b>

<u>Three-Way Comparisons (Ranked)</u>			
<u>Dimension</u>	<u>Private</u>	<u>State</u>	<u>Federal</u>
Security	.61 (1)	.42 (3)	.46 (2)
Safety	.71 (1)	.33 (3)	.45 (2)
Order	.69 (1)	.36 (3)	.38 (2)
Care	.49 (2)	.58 (1)	.32 (3)
Activity	.57 (1)	.47 (2)	.42 (3)
Justice	.56 (1)	.43 (3)	.56 (1)
Conditions	.60 (1)	.58 (2)	.20 (3)
Management	.67 (1)	.38 (3)	.48 (2)
<b>OVERALL</b>	<b>.62 (1)</b>	<b>.44 (2)</b>	<b>.40 (3)</b>

Figure 11.1

# Quality Index Scores For Private, State, and Federal Prisons

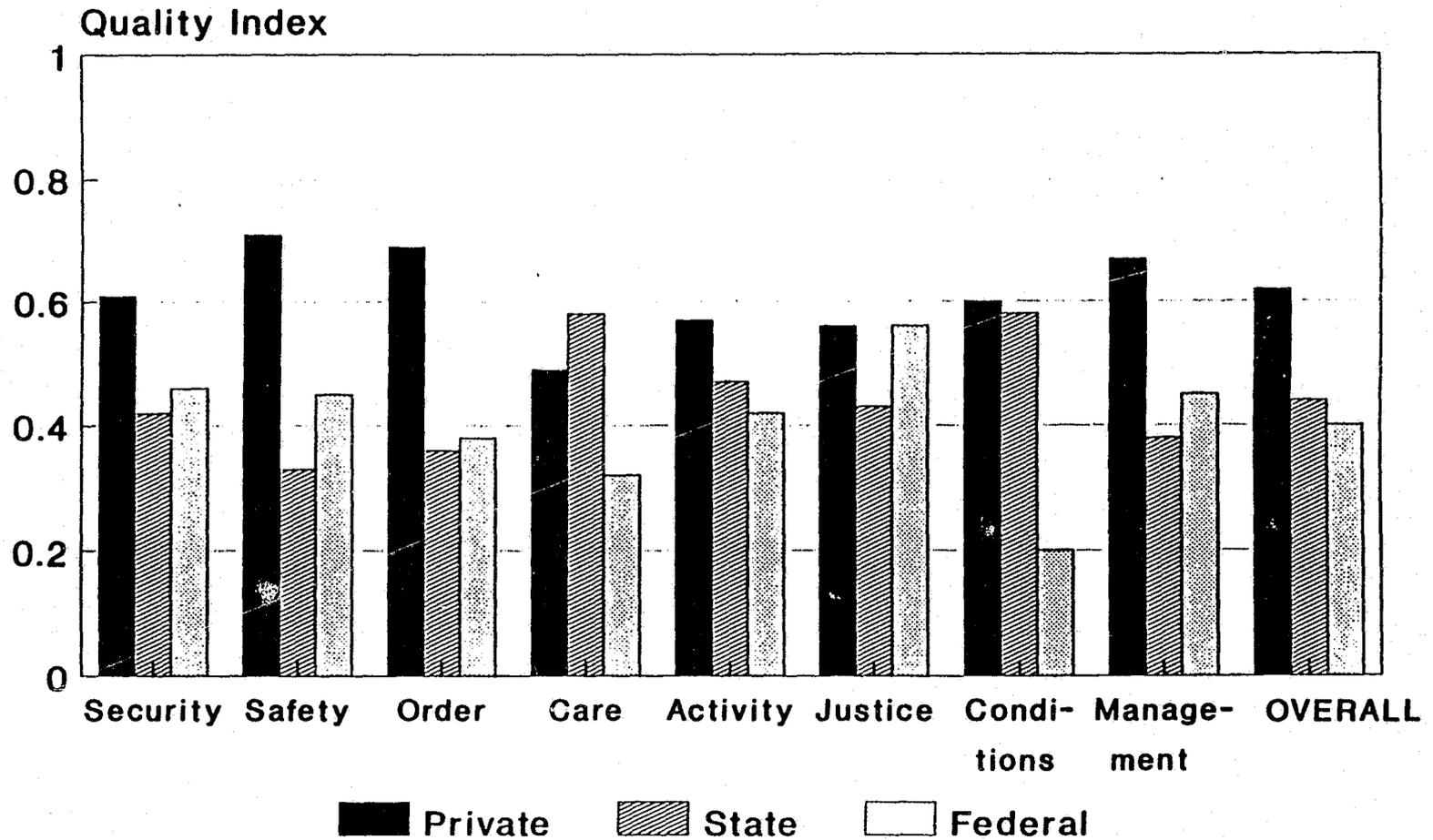
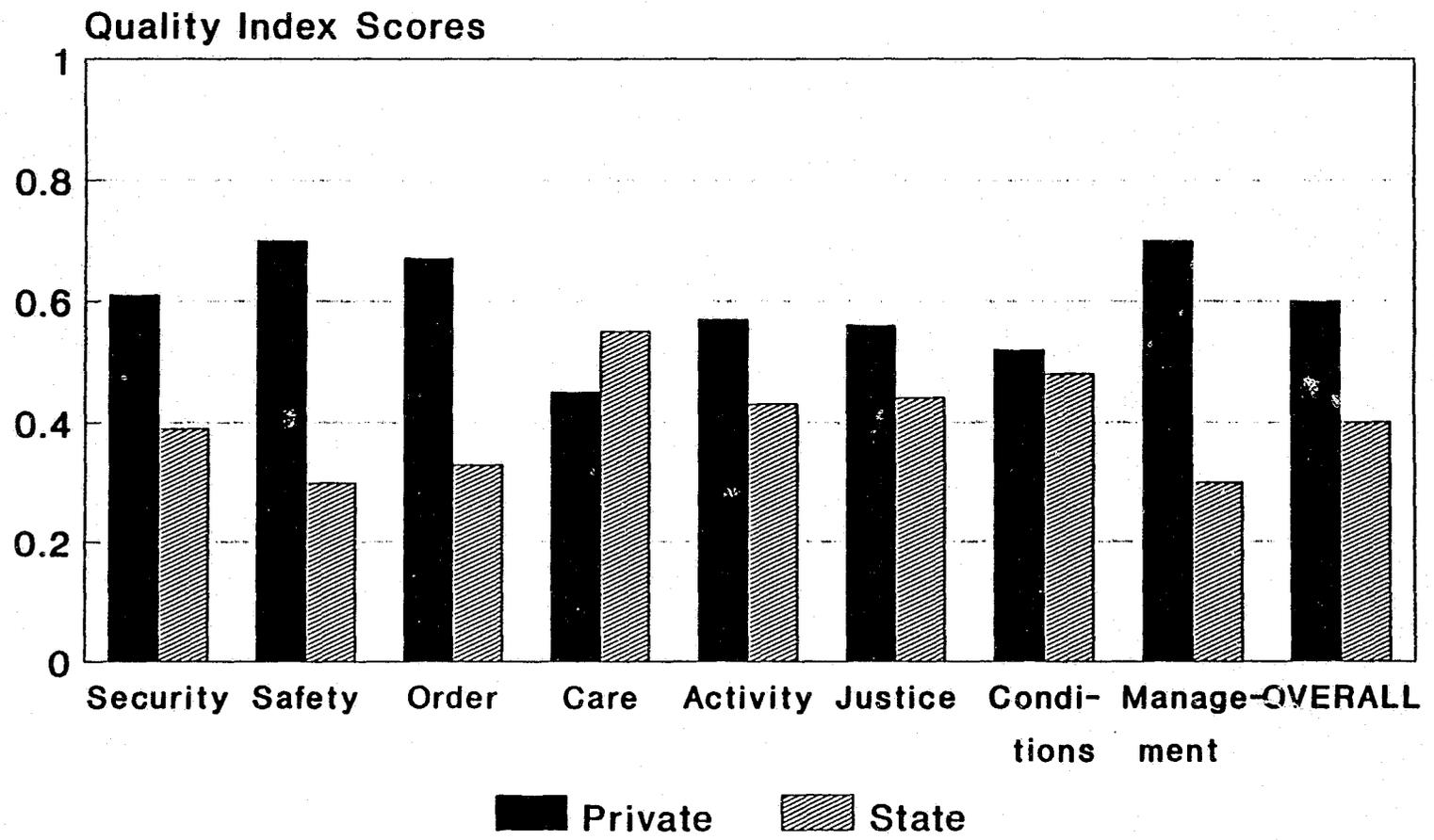


Figure 11.2

# Quality Index Scores For Private vs. State Women's Prisons



One can see at a glance a clear and consistent pattern in the relative Quality Index scores of the private, state, and federal women's prisons evaluated in this project. Overall and on nearly every dimension the private prison outscored both the state and the federal comparison facility. The one exception was that the state edged out the private prison on the dimension of Care (which refers mainly to medical care).<sup>4</sup> 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. As shown in Figure 11.1 and by the rankings in Table 11.3, the state and federal institutions took turns coming in second and third. The state prison took second place overall, even though the federal prison ranked second on more of the separate dimensions and tied for first on the dimension of Justice.

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<sup>4</sup>Given New Mexico's highest-in-the-nation per capita expenditures on correctional medical care, it should not be surprising that this would be the state's strong suit.

Figure 11.3  
Models of Prison Quality Dimensions Derived from  
Quality Index Rankings of Private, State, and Federal Prisons

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GOVERNANCE MODEL

<u>Dimensions</u>	<u>Rank Order of Prisons on Quality Index</u>
Justice	Private = Federal > State
Order	Private > Federal > State
Security	Private > Federal > State
Safety	Private > Federal > State
Management	Private > Federal > State

WELFARE MODEL

<u>Dimensions</u>	<u>Rank Order of Prisons on Quality Index</u>
Activity	Private > State > Federal
Conditions	Private > State > Federal
Care	State > Private > Federal

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Two Models

Was there any broad pattern to the rankings apart from the primacy of the private over the public operations? Figure 11.3 suggests that there was. The one dimension where the state fared better than the private can be seen as part of a theoretically coherent cluster of dimensions where the state also outscored the federal. This cluster consists of Activity, Conditions, and Care, which I have dubbed the "Welfare Model" of prison quality dimensions. These are aspects of confinement that are likely to be of particular concern to inmates, to psychologists, sociologists, and other treatment-oriented rehabilitationists, to liberals and others concerned with prison reform and inmate welfare, and to Special Masters and plaintiffs' attorneys. They are also the set of dimensions that would seem to be obvious targets to throw money at, something the State of New Mexico has been doing more and more of since the riot in 1980. In contrast is the cluster of dimensions I have dubbed the "Governance Model," consisting of Justice, Order, Security, Safety, and

Management. These aspects of confinement are of particular concern to citizens and taxpayers, to political scientists or conservatives concerned with governance and control, and to government officials. And they are dimensions on which the level of expenditure would not seem to have such direct influence.

I do not wish to make too much of these models, but they do seem to suggest that there may be a real rather than a random pattern to the findings of this research and that such a pattern does link variations in the quality of prison confinement to the form of its administration. However, I am not sure why a private form of administration should model more closely to a federal form than to a state form. Also, there are weaknesses in the data that undermine confidence in any model built upon them.

As shown in Table 11.4, the federal prison was not as thoroughly measured as the other two. In particular, there was no survey of inmates, so there were fewer comparison items for the three dimensions of the "Welfare Model."<sup>5</sup> The models might still be good models, since they make sense conceptually, but with better data for the federal prison the pattern of results might have been different.

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<sup>5</sup>For Activity, Conditions, and Care, the federal prison had only 9, 24, and 7 measurable indicators, respectively. In contrast, the private and state prisons each had 29, 58, and 31 indicators for those dimensions.

Table 11.4

## Number of Comparison Items by Facility and Data Source

<u>Dimension</u>	<u>Private</u>			<u>State</u>			<u>Federal</u>		
	<u>SSs</u>	<u>ISs</u>	<u>ORs</u>	<u>SSs</u>	<u>ISs</u>	<u>ORs</u>	<u>SSs</u>	<u>ISs</u>	<u>ORs</u>
Security	15	7	11	15	7	11	13	0	8
Safety	25	21	3	25	21	3	24	0	2
Order	10	15	20	10	15	20	8	0	4
Care	1	11	19	1	11	19	0	0	7
Activity	1	16	12	1	16	12	0	0	9
Justice	7	26	18	7	26	18	3	0	6
Conditions	11	31	16	11	31	16	10	0	14
Management	26	0	11	26	0	11	17	0	6
-----									
<b>OVERALL</b>	<b>96</b>	<b>127</b>	<b>110</b>	<b>96</b>	<b>127</b>	<b>110</b>	<b>75</b>	<b>0</b>	<b>56</b>

SSs = Staff Surveys; ISs = Inmate Surveys; ORs = Official Records

## Sensitivity of Results to Data Source

Apart from the weakness in the federal data, Table 11.4 shows that the amount of data available for comparing the private to the state prison varied across the eight dimensions of quality and across the three sources of data: staff surveys, inmate surveys, and official records. Safety included only three official records indicators. Care and Activity had only one staff survey question each. And Management was not measured by any questions on the inmate surveys. However, in comparing the state and private prisons, every dimension of quality was measured by at least two out of the three different sources of data, and only Safety was weak on the number of official records indicators.

The ability to triangulate official records measures against both inmate and staff survey data (except on the dimension of Safety) was an important methodological strength of the study. Without the official records data, it would not have been possible to reconcile what turned out to be a systematic difference in comparisons based on the inmate and the staff responses.

Table 11.5  
Quality Index Scores by Type of Data Source  
for Private and State Prisons in Two-Way Comparisons

<u>Dimension</u>	<u>Private</u>	<u>State</u>
<u>Security</u>	<u>.61</u>	<u>.39</u>
Inmate Replies	.43	.57
Staff Replies	.63	.37
Records Data	.68	.32
<u>Safety</u>	<u>.70</u>	<u>.30</u>
Inmate Replies	.43	.57
Staff Replies	.92	.08
Records Data	.83	.17
<u>Order</u>	<u>.67</u>	<u>.33</u>
Inmate Replies	.43	.57
Staff Replies	.95	.05
Records Data	.70	.30
<u>Care</u>	<u>.45</u>	<u>.55</u>
Inmate Replies	.27	.73
Staff Replies	1.00*	.00*
Records Data	.53	.47
<u>Activity</u>	<u>.57</u>	<u>.43</u>
Inmate Replies	.56	.44
Staff Replies	1.00*	.00*
Records Data	.54	.46
<u>Justice</u>	<u>.56</u>	<u>.44</u>
Inmate Replies	.38	.62
Staff Replies	.79	.21
Records Data	.72	.28
<u>Conditions</u>	<u>.52</u>	<u>.48</u>
Inmate Replies	.44	.56
Staff Replies	.64	.36
Records Data	.59	.41
<u>Management</u>	<u>.70</u>	<u>.30</u>
Inmate Replies	---	---
Staff Replies	.71	.29
Records Data	.68	.32
<u>OVERALL</u>	<u>.60</u>	<u>.40</u>
Inmate Replies	.43	.57
Staff Replies	.78	.22
Records Data	.64	.36

\*Based on a single measurement item.

# Quality Index Scores For Private, State, and Federal Prisons

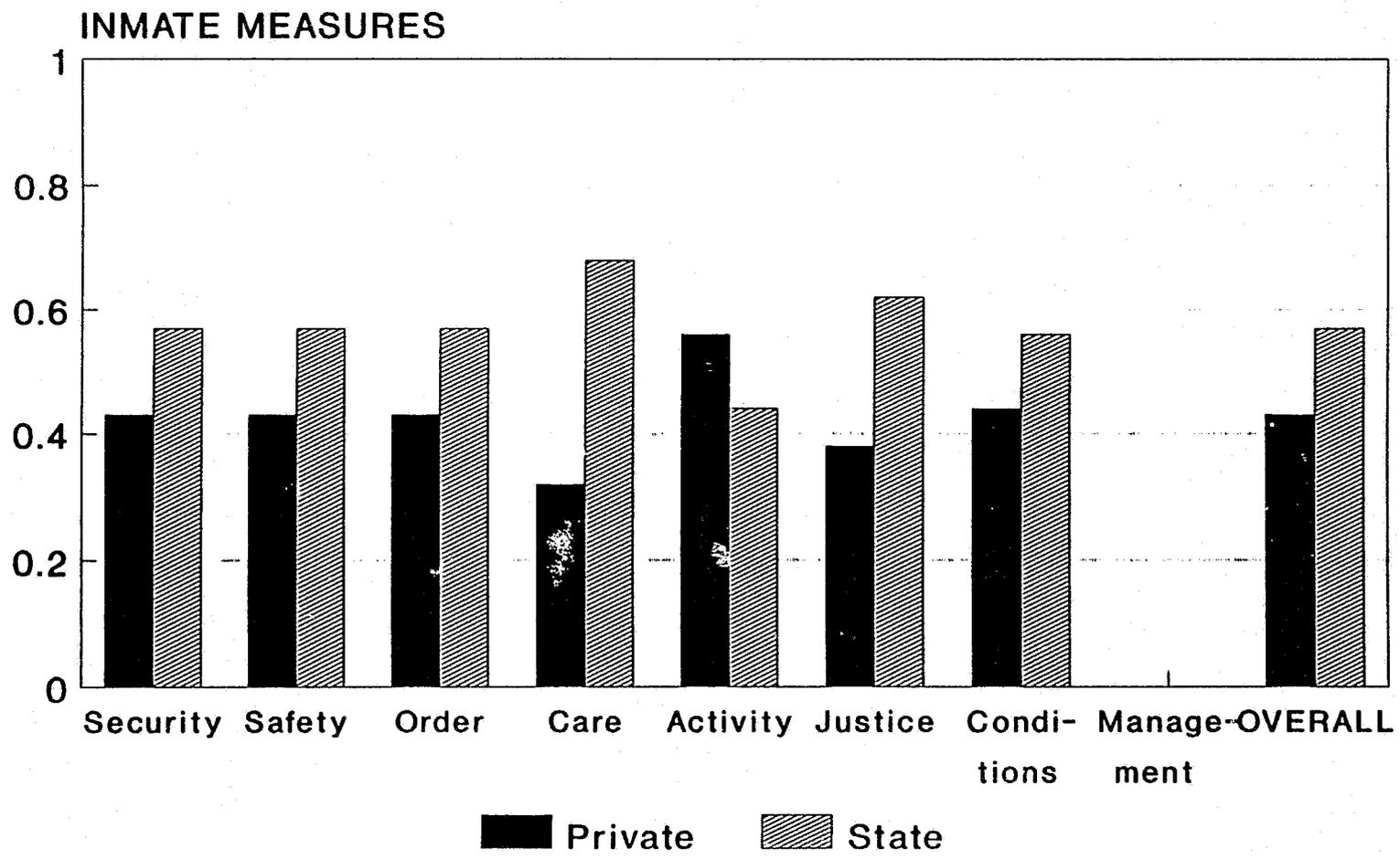
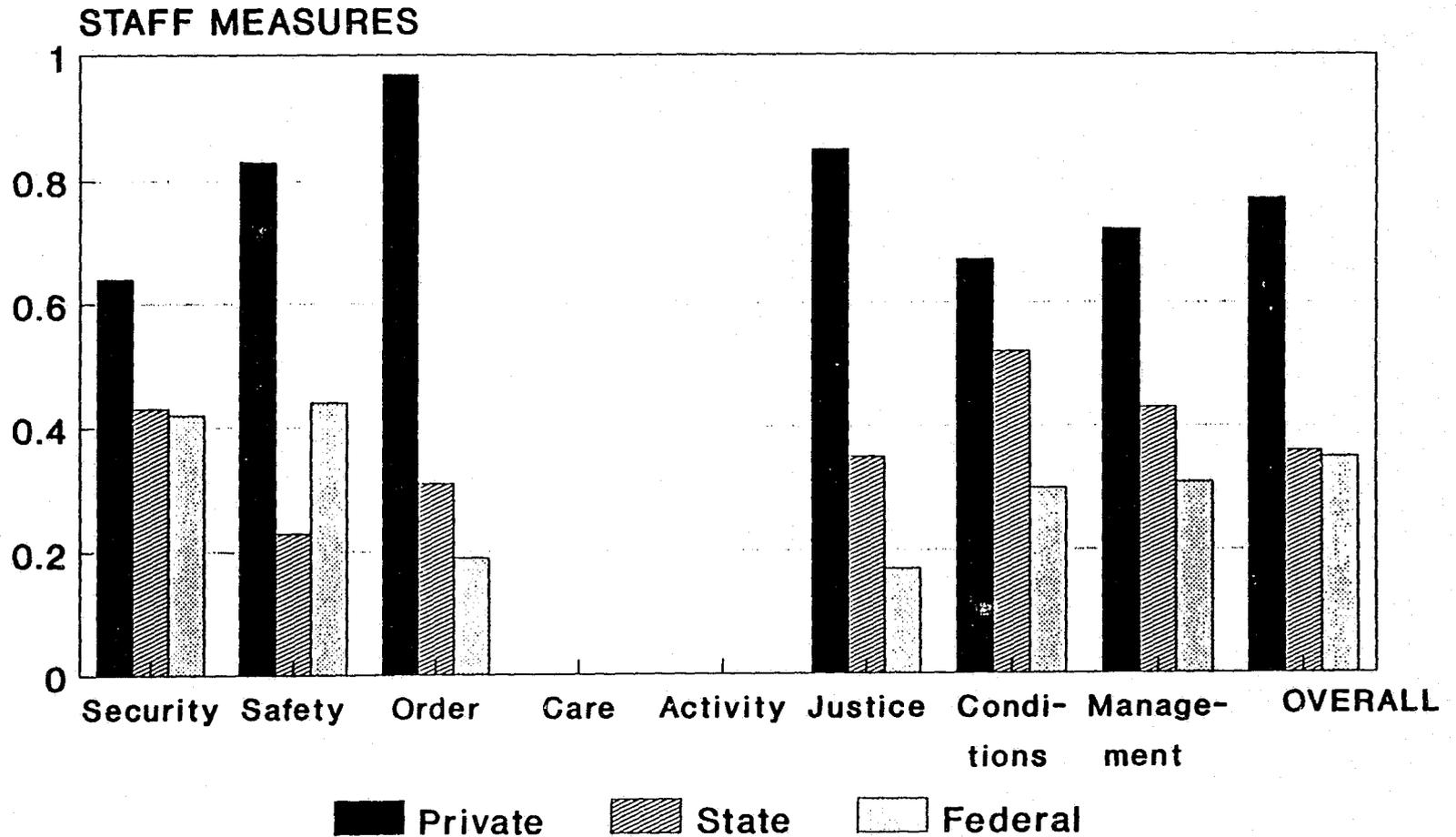


Figure 11.5

# Quality Index Scores For Private, State, and Federal Prisons



# Quality Index Scores For Private, State, and Federal Prisons

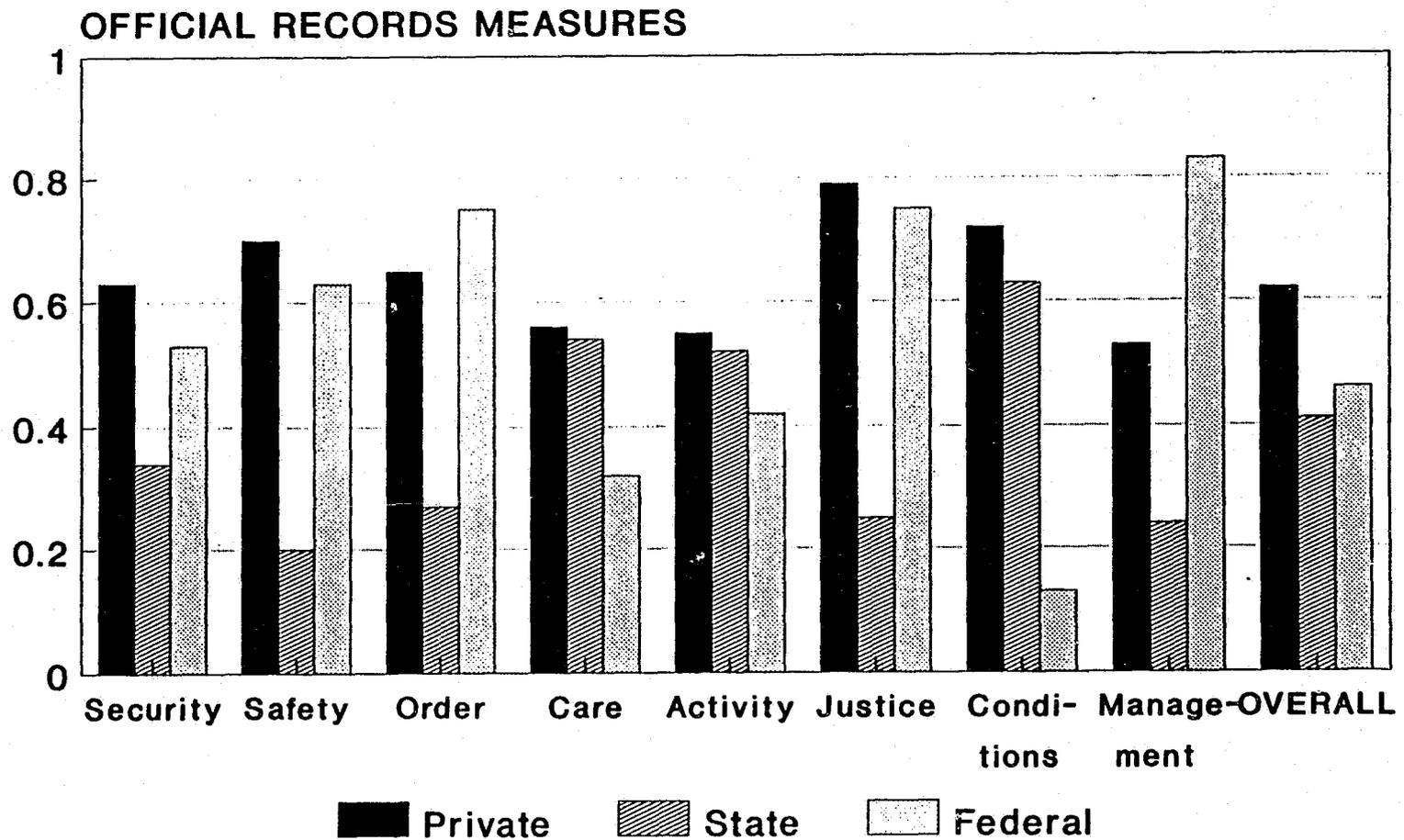


Table 11.5 breaks the components of the Prison Quality Index scores down into the three different sources of data: inmates, staff, and official records. Figures 11.4, 11.5, and 11.6 display the data from Table 11.5 in graphic form. Note in Table 11.5 that there were no inmate survey questions relating to Management and only one question each relating to Care and Activity on the staff surveys. Hence, the Management dimension is missing from Figure 11.4 and Care and Activity are missing from Figure 11.5.

Prison Quality Index scores based on surveys of inmates at the private and state prisons favored the state prison on every dimension except Activity. On most dimensions, the difference was modest, but in the area of Care, the Quality Index favored the state prison over the private by more than two to one. When based on the staff surveys, however, the Quality Index Scores turned out quite differently. With those data, the private prison outscored the state prison by moderate to enormous margins. Obviously, the staff and inmates had very different perceptions and perspectives on these dimensions of quality of confinement. In the Urban Institute's comparison of public and private correctional facilities in Kentucky and Massachusetts, they 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.

If we had only the staff and inmate survey data, it might be hard to draw an overall conclusion about which institution had the "objectively" higher quality of conditions and operations. The official records data, however, tend to resolve the question in favor of the private prison. Figure 11.6, based on data from such sources as grievance logs, significant incident and discipline logs, health clinic logs, inmate work and education records, and staff personnel records, consistently--and on most dimensions considerably--favors the private over the state prison.

#### Summary and Conclusion

This study has attempted to compare the "quality of confinement" in three prisons: a women's prison run by the State of New Mexico, a privately operated version of that same prison, and a federal prison for women. Only a handful of prior studies have

tried to compare the quality of public versus private prisons.<sup>6</sup> 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.<sup>7</sup> One major obstacle to conducting such research is the difficulty of defining and objectively measuring the "quality" of a prison as an organization. Corrections departments have policy and procedures manuals and audit guidelines, the American Correctional Association has standards for accreditation, and various court orders and consent decrees such as Ruiz in Texas and Duran in New Mexico have produced what amount to detailed specifications of the criteria for legally acceptable prison conditions and programs. But no methodology has arisen for applying these guidelines, standards, and criteria to particular prisons in such a way as to measure and quantify the quality of confinement in those facilities.

This study did not produce any absolute scale for measuring prison quality; rather, it took a comparative approach. Eight dimensions were suggested as defining the mission of a prison under a confinement model: Security, Safety, Order, Justice, Care, Conditions, Activity, and Management. Using data from institutional records plus modified staff and inmate versions of the Prison Social Climate Survey developed by the Bureau of Prisons, 333 empirical indicators were identified for those eight dimensions. A total of 595 pairwise comparisons among the three prisons were 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. Based on these comparisons, a relative score called the Prison Quality Index was calculated for each prison, allowing the prisons to be ranked both overall and within each dimension of quality.

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. The results did vary, however, across the different sources of data. The private prison compared most favorably to

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<sup>6</sup>Samuel 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).

<sup>7</sup>For a notable example, see John. J. DiIulio, Jr., Governing Prisons: A Comparative Study of Correctional Management (NY: The Free Press, 1987).

the state prison when using data from the staff surveys and consistently but more moderately so when using data from official records. However, when looking only at the inmate surveys, the state prison moderately outscored the private on all dimensions except Activity.

Various interpretations of the different perceptions and evaluations of the private and state prisons by staff and inmates were suggested throughout the report and need not be rehashed here.<sup>8</sup> Instead, it should simply be noted, in drawing a general conclusion, that data from all three sources--inmates, staff, and official records--were mixed rather than monolithic. Each applicable data source (there were no inmate interviews at the federal prison) provided both positive and negative indicators for each prison. The general conclusion favoring the private prison on the quality of confinement is 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 scores. In absolute terms, quality was high at all three prisons. The 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 a very demanding consent decree, and in the areas not in full compliance the nature of the complaints were mostly minor. Reports on site visits to the state and private prison by the study's consulting experts were highly complimentary toward each.

Still, all things considered, the weight of evidence in this study 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 of most contracting for prison operation, and the odds are against it being true of all future contracts, but all 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 current research, include: (1) a well-designed facility; (2) greater operational and administrative flexibility; (3) more 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.

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<sup>8</sup>As discussed throughout the report, much of the inmates' displeasure with the private prison was related to its more prisonlike atmosphere and tighter administrative regimen in comparison to their 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.

**APPENDIX A - Detail Tables**

Detail Tables for

Western New Mexico Correctional Facility

and

CCA New Mexico Women's Correctional Facility

Table A.1.  
Profile of Staff at  
Western New Mexico Correctional Facility and  
CCA New Mexico Women's Correctional Facility

<u>Payroll Category</u>	<u>Western</u>		<u>CCA</u>
	<u>Total</u>	<u>CCW<sup>a</sup></u>	
Payroll	193	65	89
Nonpayroll <sup>b</sup>	<u>37</u>	<u>22</u>	<u>16</u>
Total	230	87	105
(FTE)	(224.7)	(84.4)	(98.4)
 <u>Function Category</u>			
Administration	18%	10%	24%
Custody/security	69%	69%	49%
Programs/services	<u>13%</u>	<u>21%</u>	<u>27%</u>
	100%	100%	100%
 <u>Gender</u>			
Male	56%	30%	41%
Female	<u>44%</u>	<u>70%</u>	<u>59%</u>
	100%	100%	100%
 <u>Race/Ethnicity</u>			
Hispanic	52%	49%	40%
Anglo	40%	41%	54%
Native American	6%	3%	3%
Black	1%	1%	3%
Other	<u>1%</u>	<u>1%</u>	<u>0%</u>
	100%	100%	100%
 <u>Average Years of Education</u>			
All nonservices staff	12.5	12.5	13.0
 <u>Employment in Corrections (Avg Yrs)<sup>c</sup></u>			
All nonservices staff	3.29	2.83	2.79
Corrections officers	3.31	2.72	2.34
Top administrators	5.49	--- <sup>d</sup>	14.33
 <u>Average Salaries</u>			
All nonservices staff	\$17,920	\$17,414	\$18,327
Correctional officers	\$17,752	\$17,301	\$17,302
Top administrators	\$26,692	--- <sup>d</sup>	\$34,749

<sup>a</sup>Includes non-payroll staff as allocated to CCW by researchers.

<sup>b</sup>At Western, paid from NMCD budget. At CCA, includes subcontractors and two staff salaried by NMCD.

<sup>c</sup>For Western, this is time employed by NMCD.

<sup>d</sup>Administrators cannot meaningfully be broken down by division.

Table A.2.  
Profile of Staff at  
Alderson Federal Correctional Institution

Total number of active staff  
on reference date (May 1988): 235

<u>Function Category</u>	<u>Total</u>
Administration/Support <sup>a</sup>	31%
Custody/security	43%
Programs/services	<u>26%</u>
	100%
<u>Gender</u>	
Male	54%
Female	<u>46%</u>
	100%
<u>Race/Ethnicity</u>	
White	83%
Black	16%
Hispanic	<u>1%</u>
	100%
<u>Average Years of Education</u>	
All staff	14.1
<u>Average Years Employment by BOP</u>	
All staff	7.6
<u>Average Salaries</u>	
All staff	\$26,213
All staff, excluding education and medical	\$25,867

<sup>a</sup>Administration/Support staff consist of all non-custody and non-programs services staff.

Table A.3.  
 Profile of Female Inmates at  
 Western New Mexico Correctional Facility and  
 CCA New Mexico Women's Correctional Facility

	<u>Western</u>	<u>CCA</u>
General Population on Reference Date <sup>a</sup>	143	170
<u>Age</u> : average	32	33
range	19-64	20-67
19 - 25	23%	16%
26 - 35	50%	54%
36 - 45	21%	25%
46+	<u>6%</u>	<u>5%</u>
	100%	100%
<u>Ethnicity</u>		
Anglo	39%	33%
Hispanic	50%	54%
Black	8%	10%
American Indian	<u>3%</u>	<u>3%</u>
	100%	100%
<u>Commitment Offense</u>		
Violence or crimes against persons	34%	29%
Property crimes	42%	48%
Drug-related	20%	20%
Other	<u>4%</u>	<u>3%</u>
	100%	100%
<u>Custody</u>		
Maximum	0%	0%
Medium	62%	55%
Minimum	22%	39%
Unclassified (RDC)	<u>16%</u>	<u>6%</u>
	100%	100%
Percent with prior prison commitments:	28%	29%
Average time served on this sentence:	15 months	22 months
Average time remaining on this sentence:	42 months	46 months
Average time served on all sentences:	27 months	33 months

<sup>a</sup>Reference date at Western is 12-2-88; at CCA, 11-30-89.

Table A.4.  
Profile of Female Inmates at  
Alderson Federal Correctional Institution

General Population 5-88: 814

Age                    average = 36

18 - 25	12%
26 - 35	46%
36 - 45	30%
46+	<u>12%</u>
	100%

Ethnicity

Anglo	55%
[Hispanic]	[23%]
Black	44%
Other	<u>1%</u>
	100%

Commitment Offense

Violent Crimes	16%
Property Crimes	24%
Drug-related	52%
Other	<u>7%</u>
	100%

Custody

Maximum	1%
Medium	39%
Minimum	58%
Unclassified (RDC)	<u>2%</u>
	100%

Current Sentence

Average sentence length                    101 months

Served 0-25% of sentence	28%
Served 26-75% of sentence	61%
Served 76-90% of sentence	11%
Served 91+% of sentence	1%

<sup>a</sup>Offenses listed are inclusive only of federal offenders. Category information on crime type was not available for D.C. offenders (n=137).

Table A.5.  
 Population Stability and Turnover during June - November  
 for Western New Mexico Correctional Facility (1988)  
 and CCA New Mexico Women's Correctional Facility (1989)

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	<u>WNMCF</u>	<u>CCA</u>
Avg. Daily General Pop. <sup>a</sup>	144	170
Standard Deviation	4.3	5.4
Total Intakes	89	93
(As % of Daily Population)	(62%)	(55%)
Total Discharges	74	51
(As % of Daily Population)	(51%)	(30%)
Total 6-month Population <sup>b</sup>	230	245

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<sup>a</sup>Includes those temporarily away (while at court, etc.).

<sup>b</sup>General population on June 1 plus all intakes through November.

Table A.6.  
 Significant Incidents, June - November  
 Western New Mexico Correctional Facility (1988)  
 And CCA New Mexico Women's Correctional Facility (1989)

	<u>Western</u>	<u>CCA</u>
Inmates Involved (Proportion of 6 month population) <sup>a</sup>	27 (.12)	1 (.00)
Number of Incidents (Rate per capita-6) <sup>a</sup>	24 (.10)	1 (.00)
Type of Incident		
Fight between inmates	10	0
Drug related incidents	5	0
Physical/verbal assault on staff	3	1
Attempted suicide	2	0
Self-injury	2	0
Disturbance or incite riot	1	0
Refusal to obey orders	1	0
Staff Force Was Used	11	1
Restraint Was Used	14	0
Personal Injuries	18	0
Inmates injured	17	0
Staff and inmate injured	1	0
Actions taken in each case		
Segregation/detention	17	1
Infirmary or first aid	16	0
Hospitalization needed	2	0
Put under observation	4	0
Searched	3	0
Counseled	3	0

<sup>a</sup>Dividing by total inmates resident at some time during June through November (Western = 230; CCA = 245).

Table A.7.  
Inmate Community Release from Western New Mexico  
Correctional Facility for Women, June - November, 1988

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<u>Purpose</u>	<u>Number of Releases</u>	<u>Number of days</u>
Church	96	96
Furlough	22	64
Shopping	25	25
Job Interview	13	13
Picnic	13	13
Emergency Furlough	6	7
Halloween Party	4	4
Volunteer Work	<u>1</u>	<u>1</u>
TOTAL	180	223

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Table A.8.  
 Activities of Psychologist for One Month  
 at Western New Mexico Correctional Facility (October 1988)  
 and CCA New Mexico Women's Correctional Facility<sup>a</sup> (July 1989)

<u>Activities</u>	<u>Contact Hours</u>		<u>Contact Cases<sup>b</sup></u>	
	<u>Western</u>	<u>CCA</u>	<u>Western</u>	<u>CCA</u>
Individual treatment	59	55	74	68
Group treatment	18	4	126	18
Family treatment	0	0	0	0
Crisis contacts	11	0	14	0
On-call	3	0	2	0
Intakes	5	55	9	24
Rounds	8	6	53	18
Psychiatric presentations	<u>3</u>	<u>0</u>	<u>12</u>	<u>0</u>
Total	107	120	290	128
		<u>Western</u>	<u>CCA</u>	
Contact hours per case		0.37	0.94	
Contact cases per resident		2.03	0.77	

<sup>a</sup>One full-time psychologist, plus one part-time (at 0.2 FTE) psychologist on contract.

<sup>b</sup>The number of contact cases is much greater than the number of separate individuals involved.

Table A.9.  
 Medical Positions and Full-Time Equivalency (FTE) Values  
 for Western New Mexico Correctional Facility (1988)  
 and Corrections Corporation of America (1989)

	WNMCF				CCA	
	Full Time		Part Time (FTE) <sup>a</sup>		Full Time	Part Time
	CCW <sup>b</sup>	RDC <sup>b</sup>	CCW <sup>b</sup>	RDC <sup>b</sup>		
Administrators	1	1			.5 <sup>c</sup>	
Clerical	2	1			.5 <sup>d</sup>	
Physicians			.5 (.25)	.5 (.25)		2 (.20)
Psychiatrist			.5 (.10)	.5 (.10)		1 (.20)
Nurse Practitioners					.5 <sup>c</sup>	
RN's	1	1			1	
LPNs	2.5	2.5			6	
Dental Hygienist			.5 (.15)	.5 (.15)		
Dental Assistant	.5	.5			.5 <sup>d</sup>	
Optometrist			.5 (.05)	.5 (.05)		1 (.10)
Dentist			.5 (.15)	.5 (.15)		1 (.20)
Radiologist			.5 (.02)	.5 (.02)		- .
X-Ray Technician			.5 (.15)	.5 (.15)		- .
Subtotals	<u>7</u>	<u>6</u>	<u>3.5 (.87)</u>	<u>3.5 (.87)</u>	<u>9</u>	<u>5 (.70)</u>
	13		7 (1.74)		9	5 (.70)
TOTALS (as FTE)			<u>20</u>	<u>(14.74)</u>		14 (9.70)
CCW Total (as FTE):			10.5	( 7.87)		
RDC Total (as FTE):			9.5	( 6.87)		

<sup>a</sup>Figures in parentheses refer to Full Time Equivalency (FTE) values of part-time positions, split equally between CCW and RDC.

<sup>b</sup>Positions allocated 50/50 to CCW and RDC by researchers. Values of .5 refer to positions allocated 50/50, not to half-time positions.

<sup>c</sup>The Medical Administrator is also the Nurse Practitioner.

<sup>d</sup>The Medical Records Clerk is also the Dental Assistant.

<sup>e</sup>These and other technicians or medical specialists are provided under CCA's service contract with Cibola County Hospital.

Table A.10.  
 Overview Analysis of Program Participation by Inmates at  
 Western New Mexico Correctional Facility, November 1988  
 and CCA-New Mexico Women's Correctional Facility, November 1989

	<u>Inmates Involved</u>	<u>Percent of Population<sup>a</sup></u>	<u>Percent of Eligibles<sup>b</sup></u>
<u>Western New Mexico</u>			
Full-time school	26	18%	22%
Full-time work	68	46%	56%
Work and school combined	<u>26</u> 120	<u>18%</u> 82%	<u>22%</u> 100%
<u>CCA-New Mexico</u>			
Full-time school	54	33%	38%
Full-time work	71	44%	50%
Work and school combined	<u>18</u> 143	<u>11%</u> 88%	<u>12%</u> 100%

<sup>a</sup>Resident population: WNMCF = 147; CCA-NMWCF = 163.

<sup>b</sup>Excludes RDC, segregation, out to court, and medical idles;  
 WNMCF = 120; CCA-NMWCF = 143.

Table A.11.  
Recreational Areas and Facilities at  
CCA New Mexico Women's Correctional Facility  
and Western New Mexico Correctional Facility

CCA New Mexico Women's Correctional Facility

<u>Description of Area</u>	<u>Size of Area</u>
Outdoor field, dirt.	1.5 acres
Gymnasium.	11,000 sq. ft.
Main recreation courtyard, paved.	5,331 sq. ft.
RDC recreation area, paved.	1,822 sq. ft.
C-Unit recreation area, paved.	1,418 sq. ft.

Western New Mexico Correctional Facility

<u>Unit</u>	<u>Description of Area</u>	<u>Size of Area</u>
M	Dirt area laid out for volleyball & softball	0.2 acres
	Jogging area	0.5 acres
	Play area for children	600 sq. ft.
	Lounge area with t.v., shelves, and tables	100 sq. ft.
N	Grassy courtyard	800 sq. ft.
N,C,D	Dirt area- 2 picnic tables, volleyball, & softball fields	0.5 acres
A	Paved recreational area	600 sq. ft.
All	Gym with basketball court and punching bag	8,370 sq. ft.
	Small game room with tables, off gym	120 sq. ft.

Table A.12.  
 Inmate Grievances, June - November  
 at Western New Mexico Correctional Facility (1988)  
 and CCA New Mexico Women's Correctional Facility (1989)

	WNMCF	CCA
Inmates involved	45 <sup>a</sup>	73
(Proportion of 6 month population) <sup>b</sup>	(.20)	(.30)
Individual Grievances	88	157
Group Grievances, Weighted <sup>c</sup>	47	0
Total Grievances	135	157
(Rate per capita-6) <sup>b</sup>	(.59)	(.64)
Grievances Appealed	9 ( 7%)	25 (17%)
Grievance Subject		
Grievance with staff	41 (30%)	34 (23%)
Legal resources	38 (28%)	10 ( 7%)
Searches	7 ( 5%)	2 ( 1%)
Classification/goodtime	9 ( 7%)	9 ( 6%)
Visitation and mail problems	8 ( 6%)	27 (18%)
Problem with job	4 ( 3%)	3 ( 2%)
Personal property issues	4 ( 3%)	20 (13%)
Maintenance problems	9 ( 7%)	5 ( 3%)
Diet and meal problems	4 ( 3%)	5 ( 3%)
Living conditions	0 ( 0%)	15 (10%)
Medical services	5 ( 4%)	13 ( 9%)
Other <sup>d</sup>	6 ( 4%)	7 ( 5%)
<u>Average Number of Days Until:</u>		
a. Resolved by Grievance Officer	13	9
(% beyond 20 days)	(28%)	( 0%)
b. Approved by Warden	18	11
(% beyond 27 days)	(25%)	( 1%)

<sup>a</sup>At WNM 3 inmates accounted for 56 (or 41%) of the grievances.  
 At CCA 2 inmates accounted for 39 (or 25%) of the grievances.

<sup>b</sup>Dividing by total inmates resident at some time during June - November: WNMCF = 230, CCA=245.

<sup>c</sup>For Western, this and all figures below are weighted so that group grievances are counted as separate individual grievances, which is how CCA records all group grievances to begin with.

<sup>d</sup>Other grievances at Western include: other inmate, body scar, classes, loss of privileges, religion, and "policy." At CCA: phones, work release, recreation, staffing, notary public, and need more grievance forms.

Table A.13.  
Discipline Reports Written June - November  
at Western New Mexico Correctional Facility (1988)  
and CCA New Mexico Women's Correctional Facility (1989)

	<u>Western</u>	<u>CCA</u>
Inmates Written Up (Proportion of 6 month pop.) <sup>b</sup>	123 <sup>a</sup> (.53)	97 <sup>a</sup> (.40)
Discipline Reports (Rate per capita-6) <sup>b</sup> (Per inmate written up)	369 (1.6) (3.0)	236 (.96) (2.4)
<b>Offense</b>		
Refusal to obey order	82 (22%)	86 (36%)
Violation of inmate rules	75 (20%)	5 (2%)
Drug related	42 (11%)	40 (17%)
Problems with work assignments	36 (10%)	23 (10%)
Fighting/assault	29 (8%)	13 (6%)
Abusive words or gestures	21 (6%)	17 (7%)
Possession of contraband	22 (6%)	20 (8%)
Consensual sexual acts	10 (3%)	22 (9%)
Destruction of state property	16 (4%)	2 (1%)
Possession of another's property	10 (3%)	0 (0%)
Making a false statement	9 (2%)	2 (1%)
Interfering with the Court	7 (2%)	4 (2%)
Forging official documents	4 (1%)	2 (1%)
Incitement to riot	3 (1%)	0 (0%)
Self-mutilation	3 (1%)	0 (0%)
<b>Disposition of the Reports</b>		
Dismissed	128 (35%)	82 (35%)
Guilty of a minor report	205 (55%)	124 (53%)
Guilty of a major report	36 (10%)	28 (12%)
	<u>369 (100%)</u>	<u>234 (100%)</u>
<b>Percent Appealing Verdicts</b>		
When guilty of a minor	2% of 205	12% of 123
When guilty of a major	<u>17% of 36</u>	<u>25% of 28</u>
Among all found guilty	5% of 241	15% of 151
<b>Lag from Report to Hearing</b>		
Average days	9	6
% of minor reports > 7 days	95	8

<sup>a</sup>At Western, 7 inmates accounted for 81 (or 22%) of the reports; at CCA, 8 inmates accounted for 57 (or 24%) of the reports.

<sup>b</sup>Dividing by total inmates resident at some time during June through November (Western = 230; CCA = 245).

Table A.14.  
Population Density in State Prisons, 1984,  
Western New Mexico Correctional Facility in 1988  
and Corrections Corporation of America in 1989

	All Pris- ons	Fe- male pris- ons	New <sup>a</sup> Pris- ons	Security Level			WNMCF 1988	CCA 1989
				Min.	Med.	Max.		
Average square feet per inmate	57	65	65	64	57	53	79	97
Percent of inmates in multiple occupancy	66	68	68	82	72	49	50 <sup>b</sup>	42
Average number of hours per day confined to unit	11	10	11	10	11	13	7	7
Percent of pri- sons by pop- ulation den- sity category: <sup>c</sup>								
Lowest	56	68	75	85	45	27	*	*
Low	17	15	10	7	24	22		
Moderate	9	11	4	2	13	15		
Highest	18	6	12	7	18	37		

<sup>a</sup>5 years old or less

<sup>b</sup>Includes the trailers, honor apartments, and 20 inmates bunked in dayrooms and sharing facilities with 11 adjoining cell-neighbors.

<sup>c</sup>Density category refers to proportion of general population (excluding segregation) confined for over 10 hours a day to units less than 60 square feet. Lowest=no inmates in these conditions; Low=1-10% of inmates; Moderate=11-40%; Highest=40+%.

Source: Adapted from tables in Christopher A. Innes, "Population Density in State Prisons" Bureau of Justice Statistics Special Report (Washington, D.C.: U.S. Dept. of Justice, December 1986).

Table A.15.  
 Distribution of Inmates by Crowding Characteristics  
 at Western New Mexico Correctional Facility in 1988,  
 at CCA New Mexico Women's Correctional Facility in 1989,  
 and across All U.S. State Prisons in 1984

Ranked Combinations of Crowding Characteristics (Ordered Least to Most)	Percent of Inmates at:		
	<u>WNMCF</u>	<u>CCA</u>	<u>All US Prisons</u>
1. Unrestricted, Single, Larger Units	50	58	12
2. Unrestricted, Single, Smaller Units			8
3. Unrestricted, Shared, Larger Units	27	42	15
4. Unrestricted, Shared, Smaller Units	22		32
5. Restricted, Single, Larger Units	1		5
6. Restricted, Single, Smaller Units			5
7. Restricted, Shared, Larger Units			6
8. Restricted, Shared, Smaller Units			17

Unrestricted = Restricted to unit less than 10 hours a day

Restricted = Restricted to unit more than 10 hours a day

Single = Single occupancy room or cell

Shared = Multiple occupancy room, cell, or dorm

Larger = Over 60 square feet per occupant

Smaller = Under 60 square feet per occupant

Table A.16.  
Western New Mexico Correctional Facility  
Staff, by Activity, Division, and Payroll Status

Activity	Payroll Staff (All Full Time)		Nonpayroll Staff (Includes Part Time)			
	CCW <sup>a</sup>	RDC <sup>b</sup>	CCW <sup>c</sup>	RDC <sup>d</sup>	Both <sup>e</sup> "CCW" "RDC"	
Custodial/Security	60	98	0	0	0	0
Administration	1	4	0	0	1	1
Clerical	3	18	1	0	2	1
Support & Maint.	1	8	0	0	0	0
Education & Work	0	0	8	0	0	0
Psychology	0	0	2	5	0	0
Medical/Psychiatry	0	0	0	0	7.5	7.5
Chaplain					.5	.5
	<u>65</u>	<u>128</u>	<u>11</u>	<u>5</u>	<u>11</u>	<u>10</u>
Payroll Total:	193					
Nonpayroll Total:	37		(31.74 FTE) <sup>f</sup>			
"CCW" Total:	65 + 11 + 11 = 87		(84.37 FTE) <sup>f</sup>			
"RDC" Total:	128 + 5 + 10 = 143		(140.37 FTE) <sup>f</sup>			
Grand Total:	230		(224.74 FTE) <sup>f</sup>			

<sup>a</sup>Ascribed to payroll of Correctional Center for Women.

<sup>b</sup>Ascribed to payroll of Reception and Diagnostic Center.

<sup>c</sup>Work only with the females in CCW.

<sup>d</sup>Work only with the males in RDC.

<sup>e</sup>Work with all inmates. Allocated evenly to "CCW" and "RDC" by researchers.

<sup>f</sup>Of the 15 positions in Medical/Psychiatry, 7 positions (3.5 "RDC" plus 3.5 "CCW") are part-time. The Full Time Equivalency (FTE) value of these 7 part-time positions comes to 1.74 (.87 "RDC" plus .87 "CCW"). To translate positions to FTE values, subtract the part-time positions and add back their FTE values.

Table A.17.  
CCA New Mexico Women's Correctional Facility  
Staff, by Activity and Payroll Status

<u>Activity</u>	<u>Payroll Staff (All Full Time)</u>	<u>Nonpayroll Staff<sup>a</sup></u>	
		<u>Full Time</u>	<u>Part Time</u>
Custodial/Security	52		
Administration	4	1	
Classification	4		
Clerical	7		
Support <sup>b</sup>	9		
Education & Work		7	
Psychology	1		2 (.40)
Medical/Psychiatry	9		5 (.70)
Other <sup>c</sup>	<u>3</u>	<u>-</u>	<u>1 (.25)</u>
	89	8	8 (1.35)
Payroll Total:	89		
Nonpayroll Total:	16	( 9.35) <sup>d</sup>	
Grand Total:	105	(98.35) <sup>d</sup>	

<sup>a</sup>Includes state payroll, subcontracted, and part-time contractors. Numbers in parentheses are Full Time Equivalency (FTE) values for part-time staff.

<sup>b</sup>Includes maintenance, diet, and food service staff.

<sup>c</sup>Includes chaplin, two librarians, and a recreation/volunteer coordinator.

<sup>d</sup>Eight part-time positions total 1.35 in their FTE values.

Table A.18.  
Comparative Evaluation of Private Women's Prison by  
Staff (n=22) Who Were Previously Employed at State's Facility

	Percentage of Staff Who Think Things Were/Are:					Avg. Scale Score
	(-2) Much better before	(-1) Some- what better before	(0) About the same	(+1) Some- what better now	(+2) Much better now	
<u>With Respect to:</u>						
Safety of inmates and staff	5	9	23	27	36	+0.82
Overall security of facility	9	9	14	32	36	+0.77
Order and control	5	5	36	18	36	+0.77
Protection of inmate rights	9	5	50	14	23	+0.36 <sup>a</sup>
Quality of living conditions	14	0	32	18	36	+0.64
Services for inmates	0	0	36	32	32	+0.95
Positive activities for inmates	9	0	18	46	27	+0.82
Overall work environment	0	0	23	27	50	+1.27
Control of drug use	5	18	45	23	9	+0.14 <sup>a</sup>
Promotion of self- discipline and respon- sibility in inmates	5	0	33	24	38	+0.90
Honesty and integrity of staff	5	5	23	23	45	+1.00
Staff adherence to rules and procedures	5	5	32	18	41	+0.86
Staff/management relations	14	9	18	23	36	+0.59 <sup>a</sup>
Effectiveness of management	9	9	23	23	36	+0.68
Staff training program	24	5	33	9	29	+0.14 <sup>a</sup>
<u>Staff morale</u>	<u>14</u>	<u>5</u>	<u>23</u>	<u>14</u>	<u>45</u>	<u>+0.73</u>
Mean Across Items	8	5	29	23	35	+0.71

<sup>a</sup>Not significantly different from 0 ("About the same"), at  $p < .05$ .

Table A.19.  
Comparative Evaluation of Private Women's Prison by  
Inmates (n=87) Who Were Previously Inmates at State's Facility

	Percentage of Inmates Who Think Things Were/Are:					Avg. Scale Score
	(-2) Much better before	(-1) Some- what better before	(0) About the same	(+1) Some- what better now	(+2) Much better now	
<u>With Respect to:</u>						
Safety of inmates and staff	46	13	38	3	0	-1.01
Overall security of facility	41	15	34	5	5	-0.84
Order and control	51	13	28	3	6	-0.99
Protection of inmate rights	64	18	13	2	2	-1.40
Quality of living conditions	82	8	6	5	0	-1.67
Services for inmates	62	17	16	2	2	-1.34
Positive activities for inmates	72	8	11	7	2	-1.40
Control of drug use	31	5	58	2	5	-0.54
Promotion of self- discipline and respon- sibility in inmates	57	6	30	5	2	-1.10
Honesty and integrity of staff	44	14	37	3	2	-0.93
Staff adherence to rules and procedures	40	20	31	7	2	-0.89
Staff fairness toward inmates	49	9	34	6	2	-0.96
Meals	14	3	20	29	34	+0.67
<u>Health care</u>	<u>23</u>	<u>8</u>	<u>43</u>	<u>11</u>	<u>15</u>	<u>-0.13<sup>a</sup></u>
Mean Across Items	48	11	29	6	6	-0.90

<sup>a</sup>Not significantly different from 0 ("About the same"), at  $p < .05$ .

Table A.20.  
Comparative Evaluation of Private Women's Prison by  
Staff and Inmates Who Were Previously at State's Facility

<u>With Respect To:</u>	<u>Average Scale Scores<sup>a</sup></u>	
	<u>Inmate</u>	<u>Staff</u>
Safety of inmates and staff	-1.01	+0.82
Overall security of facility	-0.84	+0.77
Order and control	-0.99	+0.77
Protection of inmate rights	-1.40	+0.36*
Quality of living conditions	-1.67	+0.64
Services for inmates	-1.34	+0.95
Positive activities for inmates	-1.40	+0.82
Overall work environment	N.A.	+1.27
Control of drug use	-0.54	+0.14*
Promotion of self-discipline and responsibility in inmates	-1.10	+0.90
Honesty and integrity of staff	-0.93	+1.00
Staff adherence to rules and procedures	-0.89	+0.86
Staff fairness toward inmates	-0.96	N.A.
Staff/management relations	N.A.	+0.59*
Effectiveness of management	N.A.	+0.68
Staff training program	N.A.	+0.14*
Staff morale	N.A.	+0.73
Meals	+0.67	N.A.
<u>Health care</u>	<u>-0.13*</u>	<u>N.A.</u>
Mean Across Items	-0.90	+0.71

N.A. = Not Asked \* = Not significantly different from 0.

<sup>a</sup>Scale ranges from -2 = "State facility much better" to +2 = "Private facility much better," where 0 = "About the same."

Table A.21.  
 Western New Mexico Correctional Facility's  
 Compliance with the Duran Consent Decree and the Klatt  
 Addendum According to Special Master's Report #22 for June 1988

<u>Duran Areas</u>	<u>Number of Provisions</u>			<u>Pre-Audit Level<sup>a</sup></u>	<u>Post-Audit Level<sup>a</sup></u>
	<u>Total</u>	<u>Audited</u>	<u>Noncomplying</u>		
Staffing & Training	10	5	1	1	2
Inmate Discipline	131	11	3		1
Classification	48	0	0		2
Max Security	67	0	0	2	3
Legal Access	38	5	1		2
Attorney Visits	12	0	0	2	3
Visitation	22	0	0	2	3
Correspondence	32	0	0	2	3
Living Conditions	84	6	3		1
Food Service	31	7	2	1	1
Inmate Activity	42	8	5		1
Med Care	96	0	0	--	--
Mental Health	27	0	0	--	--
<b>TOTALS</b>	<b>640</b>	<b>42</b>	<b>15</b>		

<sup>a</sup>Level 1 = Not in full compliance; needs routine audits.  
 Level 2 = Substantial compliance; routine audits not needed.  
 Level 3 = Removed from scope of the Order of Reference.

Table A.22.  
 CCA New Mexico Women's Correctional Facility's  
 Compliance with the Duran Consent Decree and the Klatt Addendum  
 According to Compliance Monitor's Cronne Sheets for October  
 And Report of November 20, 1989

<u>Duran Areas</u>	<u>Number of Provisions</u>			
	<u>Total</u>	<u>N/A</u>	<u>Audited</u>	<u>Noncom- plying<sup>a</sup></u>
Staffing & Training	10	5	5	0
Inmate Discipline	131	19	112	1
Classification	48	11	37	1
Max Security	67	0	67	1
Legal Access	38	9	29	2
Attorney Visits	12	0	12	0
Visitation	22	1	21	0
Correspondence	32	0	32	1
Living Conditions	84	5	79	16
Food Service	31	2	29	1
Inmate Activity	42	3	39	0
Med Care	96	14	82	1
Mental Health	27	4	23	2
TOTALS	640	73	567	26

<sup>a</sup>Total number of noncompliances = 26.

Lack of preventive maintenance manual accounts for 9.

Lack of written housekeeping plan accounts for 4.

EXPLANATIONS OF NONCOMPLIANCE AREAS NOTED IN  
COMPLIANCE MONITOR'S REPORT OF NOVEMBER 20, 1989

Inmate Discipline ID not removed from not-guilty discipline reports. Other comment: inmate handbook in the works.

Classification Some classification changes are based only on discipline infractions. Other comment: some lag during change-over from Western on reviews -- O.K. now.

Max Security Don't have required 5 hours activity. Other comments: training inadequate; logging is incomplete; daily sanitation inspections incomplete because there's no sanitation officer.

Legal Access Inmate legal assistants aren't adequately trained; civilian paralegals are not pursued. Other comments: no Spanish speaking legal assist; more books on order, and another librarian to be hired.

Correspondence Box for sealed privileged corresp. ordered for segregation.

Living Conditions Lack of written preventive maintenance manual, daily housekeeping plan, and daily inspection lists. Fire safety and evacuation plan in process of approval. Other comments: no safety & sanitation officer.

Food Service Preventative maintenance manual in the works. Other comment: department dietician visits need to be confirmed.

Med Care No physician on duty 24 hours. Other comments: reviewer is uncertain as to medical needs and what constitutes "adequate" supplies and services; no contracts with required specialists, but there is one with a hospital which covers all specialties.

Mental Health No housing for mentally ill and the retarded. No written policies and procedures for mental health program staff. Other comments: programs being developed; no written information for inmates on mental health services, but inmate handbook in the works.

Table A.23.  
Content Analysis of Comments on Personal Safety and Security,  
Western New Mexico Correctional Facility Staff, December 1988

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Poor building design results in blind spots within the facility.	(14)
Need better equipment to improve communications.	(3)
Need another gun tower with weapons stored outside facility.	(1)
More staff is needed.	(5)
Infirmary needs more security staff.	(1)
Workplace safety measures are often ignored.	(2)
Staff needs more info on emotional status of inmates to improve the security.	(2)
Rules are not adequately enforced, procedures are not followed, or security is lax.	(3)
Need better supervision, communication, and staff cooperation.	(3)
Inmates in civilian clothes hinders security.	(1)
Many inmates to only one staff person without being checked on is dangerous.	(1)
Inmates are allowed too many freedoms and possessions.	(2)
Communication and security is good.	(2)

SUMMARY

<u>Hardware:</u>	Physical design or equipment problems	45%	(18)
<u>Resources:</u>	More staff needed	15%	( 6)
<u>Behavior:</u>	Staff performance or communication problems	25%	(10)
<u>Policy or Procedure:</u>	Policy or procedure problems	10%	( 4)
<u>Praise:</u>	Positive comments	5%	( 2)
		100%	(40)

Table A.24.  
Content Analysis of Comments on Personal Safety and Security  
CCA Staff, December 1989

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Rules are not adequately enforced, procedures are not followed, or security is lax.	(6)
More staff is needed.	(6)
Need better equipment to improve communication.	(4)
Poor building design results in blind spots and lack of security within the facility.	(3)
Need better supervision, communication, and staff cooperation.	(3)
Staff is not trained well enough.	(3)
Better inmate supervision is needed.	(2)
Security is good, better than Western.	(7)

SUMMARY

<u>Hardware:</u>	Physical design or equipment problems.	21%	( 7)
<u>Resources:</u>	More staff or staff training needed.	26%	( 9)
<u>Behavior:</u>	Staff performance or communication problems.	32%	(11)
<u>Praise:</u>	Positive remarks.	21%	( 7)
		———	———
		100%	(34)

Table A.25.  
Content Analysis of Comments on Safety and Security  
Western New Mexico Correctional Facility Inmates, December 1988

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Staff enforce rules inconsistently; favoritism	(7)
Staff are ill-trained or unprofessional	(7)
Staff set up inmates, harass them, or stir them up	(7)
Dangerous inmates are not dealt with properly	(4)
Security is lax	(4)
Inmates must fend for selves; staff cannot protect	(4)
Structural problems; overcrowding	(3)
Safety and security are good	(1)
Security is over emphasised	(2)

#### SUMMARY

Staff create problems	54%	(21)
Staff fail to protect	31%	(12)
Other complaints	13%	(05)
Safety and Security are good	<u>2%</u>	<u>(01)</u>
	100%	(39)

Table A.26.  
Content Analysis of Comments on Safety and Security  
CCA New Mexico Women's Correctional Facility Inmates  
December 1989

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Structural problems: leaky ceilings, shower drains, pipes overhead, crowding, etc.	(15)
Staff is unavailable or is slow to respond to inmate needs or emergencies	(9)
Staff harass, provoke, set up inmates	(9)
Staff are poorly trained, unprofessional, inconsiderate	(8)
Security is overemphasized	(7)
Staff are inconsistent, vengeful, exercise favoritism	(2)
Male staff behave inappropriately; male staff do not belong in women's units	(2)
Facility does not provide for personal safety of inmates	(8)
Personal property is not safe, opening of cell doors for anyone facilitates theft	(7)
Tension, argument, violence between inmates	(5)
Fire drills inadequate	(3)
Unsafe working conditions in the kitchen	(3)
Facility is mellow, safe; the women get along	(1)

SUMMARY

Staff create problems	38% (30)
Policies and procedures compromise security of inmates	23% (18)
Facility is physically unsafe	23% (18)
Other complaints	15% (12)
Safety and security are good	<u>1%</u> ( 1)
	100% (79)

Table A.27.  
Content Analysis of Comments on the Quality of Life,  
Western New Mexico Correctional Facility Staff, December 1988

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Quality of Life is very good.	(3)
Quality of Life is good.	(4)
Prisoners are being treated too well.	(6)
Lack of quality access to children and families.	(2)
Too much idle time for inmates.	(2)
Women need better medical facilities and service.	(1)
Not enough programs or treatment.	(1)
Prisoners often cannot study effectively; too much noise.	(2)
Grievance system is not used properly or effectively.	(1)

#### SUMMARY

<u>Positive:</u> Quality of life is good or very good	32%	(7)
Negatively <u>Postive:</u> Quality of life is too good	27%	(6)
<u>Negative:</u> Problems of programming or services	27%	(6)
<u>Negative:</u> Other problems	<u>14%</u>	<u>(3)</u>
	100%	(22)

Table A.28.  
Content Analysis of Comments on Quality of Life  
CCA Staff, December 1989

---

Quality of life is good.	(4)
Inmates adjust well: less stress, calmer, fewer misconducts	(3)
Problems with crowding, noise, or lighting.	(2)
Inmates do not have enough privacy.	(1)
Favoritism towards certain inmates.	(1)
Inconsistency.	(1)
Inmates complain too much.	(1)

SUMMARY

<u>Positive:</u>	Quality of life or adjustment is good.	54%	( 7)
<u>Negative:</u>	Physical plant problems.	23%	( 3)
<u>Negative:</u>	Other problems.	23%	( 3)
		<hr/>	<hr/>
		100%	(13)

Table A.29.  
Content Analysis of Comments on Quality of Life,  
Western New Mexico Correctional Facility Inmates, December 1988

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Staff are mean, harsh, disrespectful, treat us badly	(16)
Staff are inconsistent, arbitrary, or unfair	(13)
Food served is sub-standard and not much variety	(10)
Grievance system is not being used effectively	(7)
Living space is limited; overcrowding	(7)
Visiting and dining area are inadequate	(3)
Not enough recreation and other activities	(4)
Visitors are treated poorly	(2)
Homosexuality is openly allowed	(2)

#### SUMMARY

Complaints about staff	62%	(40)
Complaints about food	16%	(10)
Complaints about space	16%	(10)
Complaints about activities	<u>6%</u>	<u>(04)</u>
	100%	(64)

Table A.30.  
Content Analysis of Comments on Quality of Life  
CCA New Mexico Women's Correctional Facility Inmates  
December 1989

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Staff harass, mistreat, disrespect; are inconsistent, unfair, or poorly trained	(23)
General negative comments; quality of life poor, facility run poorly, etc.	(9)
Discipline, grievance, goodtime are unfair, ineffective, etc.	(8)
Complaints about conditions in minimum security: little privacy, few privileges, etc.	(7)
Not enough responsibility, freedom, privileges for inmates	(6)
Complaints of stress, tension, poor adjustment	(5)
State issue (clothing, etc.) is inadequate	(5)
Not enough time spent outside, not enough recreation	(4)
Too many women in pods	(4)
Negative comments about food service	(3)
Air circulation or temperature control poor	(3)
Other: costly phones, hard floors, poor visitation, low wages	(5)

SUMMARY

Complaints about staff	28%	(23)
Complaints about living conditions	29%	(24)
Complaints about policies and procedures	27%	(22)
Other negative comments	<u>16%</u>	<u>(13)</u>
	100%	(82)

Table A.31.  
 Content Analysis of Comments on Services and Programs  
 Western New Mexico Correctional Facility Inmates, December 1988

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Criticisms of Health Care	26%	(19)
Medical and dental care (13)		
Psychological or other counseling (6)		
Criticism of Education Programs	36%	(27)
General education (17)		
Vocational education & training (10)		
Criticism of Work Program	7%	(05)
Prison industries (3)		
Institutional jobs, work release (2)		
General Criticisms	12%	(09)
Need more services (5)		
Fewer services than male inmates (4)		
Other Criticisms	16%	(12)
Recreation (3)		
Religious Services (1)		
Visitation & mail (3)		
Library & law library (3)		
Commissary (2)		
Positive Comments	<u>3%</u>	<u>(02)</u>
	100%	(74)

Table A.32.  
Content Analysis of Comments on Services and Programs  
Western New Mexico Correctional Facility Inmates, December 1988

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1. Need more college and vocational classes with more variety (12)
2. Medical care is practically non-existent (7)
3. Psych, rec, and other activities are severly limited and inadequate (7)
4. Preparation for GED test is inadequate (2)
5. Classification process is slow (1)
6. Getting into school takes long time (1)
7. Need more books in the library (2)
8. More jobs and better pay (2)
9. Need more services and activities to keep busy (3)
10. Teachers are unskilled (3)
11. Women receive fewer services/programs then men (3)
12. Need more work release and job training programs (2)
13. Medical/Dental facilities are ill-staffed and are inadequately supplied (2)

Table A.33.  
 Content Analysis of Comments on Services and Programs  
 CCA New Mexico Women's Correctional Facility Inmates  
 December 1989

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Need more class selection, more interesting classes, night classes, college, vocational classes	(20)
Education classes too fast, superficial	(11)
Problems with spending of Pell Grants; no school supplies	(11)
Generally there are not enough programs	(8)
Problems with medical or dental care	(7)
Problems with jobs: not enough jobs, low pay	(7)
Not enough work/school release	(5)
Need more counseling, narcotics anonymous	(5)
Education goodtime unfair	(5)
Education is improving, good teachers	(3)

SUMMARY

Criticisms of education programs	57%	(47)
Criticisms of work programs	15%	(12)
Criticisms of health care	15%	(12)
Not enough programs	10%	(8)
Positive comments	<u>3%</u>	<u>(3)</u>
	100%	(82)

Table A.34.  
Content Analysis of Comments on Work Environment,  
Western New Mexico Correctional Facility Staff, December 1988

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Problems of favoritism, nepotism and fraternizing hinders working relationships.	(8)
Overtime worked with little or no compensation.	(4)
Poor management and communication problems.	(9)
Unsatisfied with pay and job responsibilities.	(3)
Extremely heavy workload.	(5)
High stress and morale problems.	(2)
Positive work environment.	(6)
Other	(3)

SUMMARY

<u>Management:</u>	Problems of management, administration, or policy	60%	(24)
<u>Pressures:</u>	Workload, stress, or morale problems	18%	( 7)
<u>Other:</u>	Other Complaints	7%	( 3)
<u>Praise:</u>	Positive Comments	<u>15%</u>	<u>( 6)</u>
		100%	(40)

Table A.35.  
Content Analysis of Comments on Work Environment  
CCA Staff, December 1989

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Poor management and communication problems.	(7)
Need more staff and better security.	(6)
Inadequate staff training.	(3)
Unsatisfied with benefits.	(2)
Problems of favoritism.	(1)
Extremely heavy workload.	(1)
Conflicts between CCA and former state staff.	(1)
Can't speak out for fear of losing job.	(1)
No say in shift changes, days off.	(1)
Medical staff is growing more confident and experienced.	(1)
Positive remarks: enjoy working at CCA, CCA staff is professional, co-operative.	(7)

SUMMARY

<u>Management:</u>	Problems of management, administration, or policy.	32% (10)
<u>Pressures:</u>	Workload, stress, or morale problems.	26% ( 8)
<u>Other:</u>	Other complaints.	16% ( 5)
<u>Praise:</u>	Positive comments.	26% ( 8)
		100% (31)

Table A.36.  
Reasons to Remain with State or Transfer to Private Employer,  
Western New Mexico Correctional Facility Staff, December 1988

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Reasons to Work for the State

Vested interest in state job: benefits, security, seniority, etc.	45%	( 23)
Reservations about contracting.	15.5%	( 8)
Prefer working with male inmates.	15.5%	( 8)
Dislike working with female inmates.	12%	( 6)
Other (mostly just "want to stay with state")	<u>12%</u>	<u>( 6)</u>
	100%	(51)

Reasons to Work for CCA

Professionalism: quality; merit vs. politics	42%	( 5)
Career: opportunity, pay, or working conditions	25%	( 3)
Rather work with female inmates.	25%	( 3)
Other	<u>8%</u>	<u>( 1)</u>
	100%	(12)

Table A.37.  
Content Analysis of Comments on Reasons for Leaving WNMCF  
to Work at CCA  
CCA Staff, December 1989

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Better benefits, career advancement, stability.	29%	(7)
More money.	25%	(6)
Frustration with the State and bureaucracy.	25%	(6)
Challenge, adventure, professionalism of private prison.	13%	(3)
To work with female inmates.	4%	(1)
To work with same staff.	4%	(1)
	<hr/>	<hr/>
	100%	(24)

Table A.38.  
Comments on Transfer of Prisons to Private Sector  
Western New Mexico Correctional Facility Staff, December 1988

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1. Why choose women to experiment on?
2. Hope they will be able to provide adequate security.
3. Hope they can afford and comply with Duran.
4. Run it like a prison not a holiday inn.
5. Good Luck
6. Not sure what to think.
7. Private prisons will be more cost effective.
8. Officers will be able to work without favoritism.
9. Private company should run state of N.M.
10. CCA should give male staff training on avoiding female traps.
11. Inmates should not be paid for work in the facility.
12. Prisons are a state responsibility.
13. Private sector still in experimental phase.
14. Secretary of Corrections does not deal with the problems in the facility.
15. New facility should provide adequate religious, psych., medical, educ. programs or the women will cause problems.

Table A.39.  
Content Analysis of Comments on Transfer of Prison  
to Private Sector  
CCA Staff, December 1989

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Private is more efficient, flexible, and cost-effective.	(10)
Support the general idea of privatization.	(7)
CCA is generally run well (no comparisons to Western made).	(6)
CCA is as good as or better than Western.	(6)
Better management of inmates.	(5)
Better benefits and opportunity for staff.	(4)
CCA is not being run well in all aspects.	(3)
Complaints about benefits.	(2)
Oppose privatization.	(1)

SUMMARY

<u>Positive:</u> Privatization of prisons is a good idea.	38% (17)
<u>Positive:</u> CCA is doing a good job.	48% (21)
<u>Negative:</u> Negative comments on CCA, operation of CCA, or privatization in general.	14% ( 6)
	100% (44)

APPENDIX B - COMPARISON & SUMMARY TABLES FOR ALL EIGHT DIMENSIONS

Figure B.1  
Legend for Tables Comparing Private, State, and Federal  
Women's Prisons on Measures of Quality of Confinement

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Private: Corrections Corporation of America - New Mexico Women's  
Correctional Facility at Grants, New Mexico

State: Western New Mexico Correctional Facility at Grants, New  
Mexico

Federal: Federal Correctional Institution at Alderson, West  
Virginia

Per capita-6: divided by total number of residents over 6 months.

*Italicized items are from official records; all others are from  
staff and inmate surveys.*

Symbols

- + Favored side of a difference significant at  $p < .05$
  - Unfavored side of a difference significant at  $p < .05$
  - = Nonsignificant difference (statistically similar)
  
  - ⊕ Favored side of a nontestable difference judged as real
  - ⊖ Unfavored side of a nontestable difference judged as real
  - ⊘ Judged to be not a real difference (subjectively similar)
  
  - i Informational numbers: differences not tested or judged
  - No data available
  - ⊘ No relevant comparison possible
-

Table B.1  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and *Official Record* Measures of Quality of Confinement

Dimension 1: Security ("Keep Them In")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on overall security of the facility (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + █	0.8 - █	--- █
Inmate mean	-0.8 - █	-0.8 + █	--- █
2. Rating of how the building design affects surveillance of inmates (-2=greatly inhibits 2=greatly facilitates)			
Staff mean	0.7 + +	-0.5 - +	-1.3 - -
<b>B. <u>Security Procedures</u> (6 month period)</b>			
1. Perceived frequency of shakedowns in the living area (0=never, 6=all the time)			
Staff mean	4.0 = =	4.2 = =	3.9 = =
Inmate mean	4.4 = █	4.4 = █	--- █
2. Perceived frequency of body searches			
Staff mean	3.4 = +	4.0 = +	2.5 - -
Inmate mean	4.8 = █	5.2 = █	--- █
3. Proportion of staff who have observed:			
a. Any consequential problems within the institution			
	.43 = +	.57 = =	.59 - =

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
b. Lax security	.50 = =	.58 = -	.37 = +
c. Poor assignment of staff	.44 = =	.57 = -	.32 = +
d. Inmate security violations	.38 = =	.57 = -	.25 = +
e. Staff ignoring inmate misconduct	.31 = -	.37 = -	.11 + +
f. Staff ignoring disturbances	.09 = =	.18 = -	.01 = +
g. Other problems	.44 = -	.28 = =	.16 + =
4. Number of cell or bunk area shakedowns conducted in a one month period	84 i	116 i	---
a. Rate per inmate	.49 # #	.81 # #	---
b. Proportion finding contraband	.25 + #	.53 - #	---
5. Number of urinalysis tests based on suspicion in a one month period	30 i	16 i	48 i
a. Rate per inmate	.18 # #	.11 # #	.06 # #
b. Proportion testing positive for opiates	.31 = -	.40 = -	.10 + +

C. Drug Use

(6 month period)

1. Direct comparison of prisons on control of drug use (-2=state much better, 2=private much better)<sup>a</sup>

Staff mean  
Inmate mean

0.1 = #  
-0.5 - #

0.1 = #  
-0.5 + #

--- #  
--- #

2. Drug related incidents, rate per capita-6

.00 # #

.02 # #

.00 # #

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Discipline reports related to drugs or contraband, rate per capita-6	.24 ■ ■	.28 ■ ■	--- ■ ■ ■
<b>D. Significant Incidents</b> (6 month period)			
1. Significant incidents	1 i	24 i	13 i
a. Proportion of 6 month population involved	.00 + =	.12 - -	.01 = +
b. Total incidents, rate per capita-6	.00 † ■	.10 ■ ■	.01 ■ ■
2. Escapes	0 i	0 i	3 i
a. Rate per capita-6	.00 ■ ■	.00 ■ ■	.00 ■ ■
<b>E. Community Exposure</b> (6 month period)			
1. Furloughs	10 i	180 i	39 i
a. Rate per capita-6	.04 † ■	.78 ■ ■	.03 ■ ■
<b>F. Freedom of Movement</b>			
1. Perceived freedom of movement for inmates (0=none at all, 4=very much)			
a. During the day			
Staff mean	2.4 + +	2.7 - +	3.8 - -
Inmate mean	0.7 + ■	1.3 - ■	--- ■ ■ ■
b. During the evening			
Staff mean	2.0 = +	2.0 = +	3.7 - -
Inmate mean	0.8 = ■	0.8 = ■	--- ■ ■ ■

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
c. During the night			
Staff mean	0.5 + +	0.8 - +	1.5 - -
Inmate mean	0.4 = ■	0.4 = ■	--- ■■

### G. Staffing

1. Ratio of resident population to security staff on reference date <sup>b</sup>	3.1 ■ ■	2.3 ■ ■	8.1 ■ ■
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<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

<sup>b</sup>For State, this is female inmates to CCW security staff.

Legend: See Figure B.1 for explanation of symbols in this table.

### Summary of Comparisons on Security

#### Private/State Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	10	30%	3	9%	20	61%	.61
State	3	9%	10	30%	20	61%	.39

#### Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	18	33%	6	11%	30	56%	.61
State	10	19%	19	35%	25	46%	.42
Federal	12	28%	15	36%	15	36%	.46

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.2  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and Official Record Measures of Quality of Confinement

Dimension 2: Safety ("Keep Them Safe")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on inmate and staff safety (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + █	0.8 - █	--- █
Inmate mean	-1.0 - █	-1.0 + █	--- █
<b>B. <u>Inmate Safety</u></b> (6 month period)			
1. Perceived likelihood of an inmate being assaulted in her living area (0=not likely, 3=very likely)			
Staff mean	1.3 + =	1.7 - -	1.3 = +
Inmate mean	1.6 - █	1.3 + █	--- █
2. Estimated rate (per 100 population) of armed assaults involving inmates			
Staff mean	0.0 + =	0.2 - -	0.1 = +
Inmate mean	0.3 = █	0.1 = █	--- █
3. Estimated rate (per 100 population) of assaults against inmates without a weapon			
Staff mean	0.7 + -	1.5 - -	0.3 + +
Inmate mean	1.9 - █	0.8 + █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. Estimated rate (per 100 population) of sexual assaults upon inmates			
Staff mean	0.0 = =	0.5 = =	0.0 = =
Inmate mean	0.1 = ■	0.1 = ■	--- ■
5. Estimated rate (per 100 population) of instances inmate has been pressured for sex			
Staff mean	0.7 = =	1.2 = -	0.4 = +
Inmate mean	0.6 - ■	0.2 + ■	--- ■
6. Inmates' perceived danger of being: (0=very safe, 5=very unsafe)			
a. killed or injured	1.8 = ■	1.6 = ■	--- ■
b. punched or assaulted	1.6 = ■	1.4 = ■	--- ■
7. Proportion of inmates who say they have been physically assaulted by another inmate in a 6 month period	.08 = ■	.09 = ■	--- ■
8. Proportion of inmates who say they have been physically assaulted by staff in a 6 month period	.06 = ■	.04 = ■	--- ■
9. Number of discipline reports that involved fighting or assault	13 i	29 i	--- ■
a. Rate per capita-6	.05 ■ ■	.13 ■ ■	--- ■
10. Number of significant incidents involving inmate injury	0 i	15 i	3 i
a. Rate per capita-6	.00 ■ ■	.06 ■ ■	.00 ■ ■

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>C. <u>Staff Safety</u></b>			
(6 month period)			
1. Rating of how the building design affects staff safety (-2=greatly inhibits, 2=greatly facilitates)			
Staff mean	0.6 + +	-0.5 - =	-0.8 - =
2. Perceived danger to male staff (0=very safe, 5=very dangerous)			
Staff mean	1.0 + =	2.1 - -	1.3 = +
Inmate mean	0.8 = ■	0.9 = ■	--- ■
3. Perceived danger for female staff (0=very safe, 5=very dangerous)			
Staff mean	1.4 + =	2.4 - -	1.5 = +
Inmate mean	1.1 = ■	1.1 = ■	--- ■
4. Rating of how often inmates use physical force against staff (0=never, 6=all the time)			
Staff mean	0.7 + +	2.0 - -	1.4 - +
Inmate mean	0.5 + ■	0.8 - ■	--- ■
5. Perceived likelihood that a staff member would be assaulted (0=not likely, 3= very likely)			
Staff mean	1.1 + -	1.4 - -	0.9 + +
6. Proportion of staff who say they have been assaulted by an inmate in a 6 month period			
	.01 = =	.05 = =	.04 = =
7. Number of significant incidents involving staff injury			
	0 i	1 i	0 i
a. Rate per capita-6	.00 ■ ■	.00 ■ ■	.00 ■ ■

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<u>D. Dangerousness of Inmates</u>			
1. Proportion of inmates perceived to be extremely dangerous			
Staff mean	.07 + +	.12 - =	.11 - =
Inmate mean	.06 = █	.06 = █	--- █
2. Proportion of inmates perceived to be somewhat dangerous			
Staff mean	.25 + =	.36 - -	.26 = +
Inmate mean	.17 = █	.18 = █	--- █
3. Perceived frequency of inmate possession of weapons in living quarters (0=never, 6=all the time)			
Staff mean	1.2 + +	3.4 - =	3.3 - =
<u>E. Safety of Environment</u> (6 month period)			
1. Perceived frequency of accidents (0=never 6=all the time):			
a. In the housing units			
Staff mean	1.4 + +	2.2 - =	2.4 - =
Inmate mean	1.7 = █	1.4 = █	--- █
b. In the dining hall			
Staff mean	0.9 + +	1.8 - +	2.2 - -
Inmate mean	1.6 = █	1.4 = █	--- █
c. In the work environment			
Staff mean	1.3 + +	2.1 - +	2.7 - -
Inmate mean	1.3 = █	1.1 = █	--- █

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Perceived occurrence in housing units of clutter that could feed a fire (0=never, 6=all the time)			
Staff mean	1.8 + +	3.6 - =	3.9 - =

F. Staffing Adequacy

1. Proportion of staff and inmates who feel there are enough staff to provide for safety of inmates:

## a. During the day shift

Staff	.69 + +	.52 - =	.47 - =
Inmates	.76 = █	.84 = █	--- █

## b. During the evening shift

Staff	.69 + +	.48 - +	.34 - -
Inmates	.69 = █	.78 = █	--- █

## c. During the night shift

Staff	.64 + +	.44 - =	.40 - =
Inmates	.69 = █	.78 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Proportion of staff who feel there are enough staff to provide for their own safety:			
a. During the day shift	.67 + =	.48 - =	.55 = =
b. During the evening shift	.66 + +	.41 - =	.31 - =
c. During the night shift	.60 = +	.43 = +	.32 - -

<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

Legend: See Figure B.1 for explanation of symbols in this table.

### Summary of Comparisons on Safety

#### Private/State Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	24	49%	4	8%	21	43%	.70
State	4	8%	24	49%	21	43%	.30

#### Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	37	49%	6	8%	32	43%	.71
State	8	11%	34	45%	33	44%	.33
Federal	12	23%	17	33%	23	44%	.45

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.3  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and Official Record Measures of Quality of Confinement

Dimension 3: Order ("Keep Them In Line")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on order and control (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + █	0.8 - █	--- █
Inmate mean	-1.0 - █	-1.0 + █	--- █
2. Direct comparison of prisons on promotion of self-discipline and responsibility in inmates (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.9 + █	0.9 - █	--- █
Inmate mean	-1.1 - █	-1.1 + █	--- █
<b>B. <u>Inmate Misconduct</u> (6 month period)</b>			
1. Perceived frequency of physical force by inmates against staff (0=never, 6=all the time)			
Staff mean	0.7 + +	2.0 - -	1.4 - +
Inmate mean	0.5 + █	0.8 - █	--- █
2. Perceived security of inmate personal property (0=very safe, 5=very unsafe)			
Inmate mean	2.7 - █	2.1 + █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Proportion of inmates who report being punished in the last 6 months:			
a. with a major sanction	.15 + █	.28 - █	--- █
b. with a lesser sanction	.22 = █	.28 = █	--- █
4. Number of inmates written up	97 i	123 i	--- █
a. Proportion of 6 month population written up	.40 + █	.53 - █	--- █
5. Number of discipline reports	236 i	369 i	560 i
a. Rate per capita-6	1.0 # █	1.6 # █	0.4 # █
b. Reports per inmate among those written up	2.4 # █	3.0 # █	--- █
6. Number of significant incidents of disturbance or incitement to riot	0 i	1 i	0 i
a. Rate per capita-6	.00 # █	.00 # █	.00 # █
<b>C. <u>Staff Use of Force</u></b>			
<b>(6 month period)</b>			
1. Perceived frequency that staff have used force against inmates over a 6 month period (0=never, (6=all the time)			
Staff mean	1.3 + +	2.1 - =	2.0 - =
Inmate mean	1.5 = █	1.7 = █	--- █
2. Number of significant incidents in which force was used	1 i	11 i	1 i
a. Rate per capita-6	.00 # █	.05 # █	.00 # █
3. Number of significant incidents in which restraint was used	0 i	14 i	6 i
a. Rate per capita-6	.00 # █	.06 # █	.00 # █



(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
b. During the evening			
Staff mean	2.8 + +	2.5 - +	2.1 - -
Inmate mean	2.9 = █	2.8 = █	--- █
c. During the night			
Staff mean	3.1 + +	2.8 - +	2.4 - -
Inmate mean	3.0 = █	2.8 = █	--- █
<b>E. <u>Strictness of Enforcement</u></b>			
<b>(6 month period)</b>			
1. <i>Proportion of discipline reports that were:</i>			
a. <i>Dismissed</i>	.35 = █	.35 = █	--- █
b. <i>Guilty of a minor report</i>	.53 = █	.55 = █	--- █
c. <i>Guilty of a major report</i>	.12 = █	.10 = █	--- █
2. <i>Proportion of minor report convictions that received a sanction of:</i>			
a. <i>Warning/reprimand</i>	.05 + █	.30 - █	--- █
b. <i>5-10 extra hours of duty</i>	.35 = █	.44 = █	--- █
c. <i>15-20 extra hours of duty</i>	.34 + █	.20 - █	--- █
d. <i>25-30 extra hours of duty</i>	.26 + █	.06 - █	--- █
3. <i>Proportion of major report convictions that received a sanction of:</i>			
a. <i>Segregation only</i>	.24 - █	.03 + █	--- █
b. <i>Loss of goodtime only</i>	.10 = █	.00 = █	--- █
c. <i>Segregation and loss of goodtime</i>	.66 - █	.97 + █	--- █
4. <i>Average number of goodtime days taken away</i>	115 = █	115 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
5. Average number of days to be spent in segregation	19 = ■	19 = ■	--- ■
6. Proportion of major report sanctions			
a. Suspended at committee level	.12 + ■	.32 - ■	--- ■
b. Modified by warden	.00 + ■	.33 - ■	--- ■

<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

Legend: See Figure B.1 for explanation of symbols in this table.

### Summary of Comparisons on Order

#### Private/State Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	21	48%	6	14%	18	39%	.67
State	6	14%	21	48%	18	39%	.33

#### Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	29	51%	7	12%	21	37%	.69
State	9	16%	25	44%	23	40%	.36
Federal	5	21%	11	46%	8	33%	.38

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.4  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and Official Record Measures of Quality of Confinement

Dimension 4: Care ("Keep Them Healthy")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on health care (-2=state much better, 2=private much better) <sup>a</sup>			
Inmate mean	-0.1 = █	-0.1 = █	--- █
2. Direct comparison of prisons on services for inmates (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	1.0 + █	1.0 - █	--- █
Inmate mean	-1.3 - █	-1.3 + █	--- █
<b>B. <u>Stress and Illness</u> (6 month period)</b>			
1. Inmate stress scale: average of 9 items reporting feelings of mental, physical, and emotional strain (0=never, 3=few times a month, 6=every day)			
Inmate mean	3.6 - █	3.0 + █	--- █
2. Average number of days an inmate was ill or injured	23 - █	12 + █	--- █
3. Average number of days an inmate was seriously ill enough that medical help was needed but did not go to sick call	8 = █	3 = █	--- █
4. Number of significant incidents involving suicide attempts or self-injury	0 i	4 i	3 i
a. Rate per capita-6	.00 █ █	.02 █ █	.00 █ █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
5. Number of significant incidents requiring first aid or infirm-ary visit	0 i	16 i	3 i
a. Rate per capita-6	.00 # #	.07 # #	.00 # #
<b>C. <u>Health Care Delivered</u></b> (6 month period)			
1. Proportion of inmates who used medical facilities other than for emergency problems	.79 i	.62 i	--- #
a. Proportion of those who used the facilities who felt the problem was properly taken care of	.53 = #	.46 = #	--- #
2. Proportion of inmates who reported having had emergency medical treatment	.32 i	.20 i	--- #
a. Proportion of those who received emergency medical treatment who felt that it was adequately handled	.59 = #	.39 = #	--- #
3. Total clinical contacts	3,890 i	3,335 i	--- #
a. Rate per capita-6	15.9 # #	14.5 # #	--- #
4. Number of general sick calls	1,859 i	1,419 i	--- #
a. Rate per capita-6	7.6 # #	6.2 # #	--- #
5. Number of medical appointments <sup>b</sup>	891 i	711 i	--- #
a. Rate per capita-6	3.6 # #	3.1 # #	--- #
6. Number of physicals and TB tests <sup>c</sup>	279 i	265 i	--- #
a. Rate per capita-6	1.1 # #	1.2 # #	--- #

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
7. Number of lab appointments	352 i	154 i	---
a. Rate per capita-6	1.4 †	0.7 =	---
8. Number of miscellaneous clinic visits <sup>d</sup>	118 i	157 i	---
a. Rate per capita-6	0.5 =	0.7 =	---
<b>D. <u>Dental Care</u></b>			
(6 month period)			
1. Proportion of inmates who received dental treatment	.43 i	.78 i	---
a. Proportion of those who received dental treatment who felt that it was adequately handled	.53 -	.69 +	---
2. Number of dental visits	391 i	514 i	---
a. Rate per capita-6	1.6 =	2.2 †	---
<b>E. <u>Counseling</u></b>			
(6 month period)			
1. The alcohol and drug counseling services have been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.3 =	-0.4 =	---
2. Other counseling services have been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.4 =	-0.5 =	---

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Proportion of inmates who report having participated in some kind of counseling:	.50 = █	.51 = █	--- █
a. Drug/alcohol counseling	.31 i	.36 i	--- █
b. Therapy	.27 i	.32 i	--- █
4. Psychologist contact cases per capita for one month <sup>e</sup>	0.8 █ █	2.0 █ █	--- █
5. Number of contact hours per contact case for one month <sup>e</sup>	.94 █ █	.37 █ █	--- █
6. Proportion of inmates who were involved in the following programs:			
a. Psychology/psychiatric; includes substance abuse	.28 - █	.67 + █	--- █
b. Employment and pre-release counseling	.20 = █	.26 = █	--- █
7. Number of psychiatric visits <sup>f</sup> (over a 6 month period)	0 i	115 i	--- █
a. Rate per capita-6	0.0 █ █	0.5 █ █	--- █

F. Staffing for Programs and Services

1. Number of program or services delivery staff (FTE):<sup>g</sup>

a. Medical clinicians <sup>h</sup>	9.7 i	4.9 i	14 i
b. Education/work	7 i	8 i	25 i
c. Psychology/counseling	<u>1.4</u> i	<u>2</u> i	<u>10</u> i
d. TOTAL	18.1 i	14.9 i	49 i

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Number of inmates (average daily resident population) per FTE staff position in programs or services:			
a. Per medical clinician <sup>h</sup>	17 + +	29 = +	66 = =
b. Per education/work staff	24 = +	18 + +	37 = =
c. Per psychologist/counselor	118 = =	70 + +	92 + +
d. Per total program/service staff	9 = +	9 = +	19 = =
3. Program or services delivery staff as a proportion of total staff <sup>f</sup>	.18 = =	.18 = =	.21 = =

<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

<sup>b</sup>Includes doctor, nurse practitioner, and follow-up appointments.

<sup>c</sup>For Private, these had to be estimated as one physical and two TB tests per intake, so comparison here could be discounted.

<sup>d</sup>Miscellaneous includes medical x-rays, glasses dispensed, and optometric visits.

<sup>e</sup>October, 1988 for State; July, 1989 for Private.

<sup>f</sup>CCA records do not show any psychiatric visits during reference period. Part-time psychiatrist hired in November.

<sup>g</sup>Excludes administrators and clerks in service departments. Full Time Equivalency (FTE) values used for the part-time staff and contractors at Private and State.

<sup>h</sup>For State, the medical clinicians were counted as being half on the women's side (CCW) and half on the men's side (RDC). Only the "CCW" half is counted here.

<sup>i</sup>Using FTE values for both Private and State staff. For State, staff total here is the 87 "CCW" staff, counted as 84.37 FTE.

Legend: See Figure B.1 for explanation of symbols in this table.

**Summary of Comparisons on Care**

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**Private/State Comparisons**

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	8	26%	10	35%	13	39%	.47
State	10	35%	8	26%	13	39%	.53

**Private/State/Federal Comparisons**

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	11	29%	11	32%	16	39%	.50
State	14	39%	9	24%	15	37%	.57
Federal	2	14%	7	50%	5	36%	.32

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<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.5  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and Official Record Measures of Quality of Confinement

Dimension 5: Activity ("Keep Them Busy")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on positive activities for inmates (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.8 + █	0.8 - █	--- █
Inmate mean	-1.4 - █	-1.4 + █	--- █
2. Inmates usually have things to do to keep them busy (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.2 = █	0.1 = █	--- █
<b>B. <u>Work and Industry Involvement</u></b> (6 month period)			
1. Involvement in prison industry, work release, or institutional jobs on reference date:			
a. Proportion eligible <sup>b</sup>	.84 i	.82 i	.94 i
b. Proportion working	.52 = -	.61 = -	.94 + +
2. Proportion of eligible inmates involved in:			
a. Prison industry	.12 = -	.14 = -	.44 + +
b. Work release	.06 = +	.05 = +	.00 - -
c. Institutional jobs	.44 = =	.56 = =	.50 = =
3. Average work hours per week among employed inmates			
	29.5 █ █	32.2 █ █	--- █

(continued)

PrivateStateFederal

C. Work and Industry Evaluation  
(6 month period)

1. The work training program has been satisfactory (-3=strongly disagree, 3=strongly agree)

Inmate mean                      -1.0 = █              -0.7 = █              --- █

2. Have the vocational training courses provided skills that are useful? (-2=definitely do not, 2=definitely do)

Inmate mean                      0.1 = █              0.6 = █              --- █

- a. Perceived importance of learning the information presented in class (-3=very unimportant, 3=very important)

Inmate mean                      1.7 = █              1.4 = █              --- █

- b. Perceived understanding of the information presented in class (0=have not understood, 3=have understood completely)

Inmate mean                      1.9 = █              2.5 = █              --- █

3. *Number of grievances that involved problems with work*

3 i                      4 i                      --- █

- a. *Rate per capita-6*

.01 █ █                      .02 █ █                      --- █

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>D. <u>Education and Training Involvement</u></b> (6 month period)			
1. Proportion of inmates who report having participated in some educational program	.65 = ■	.72 = ■	--- ■
a. Educational	.60 i	.69 i	--- ■
b. Social education/pre-release skills	.24 i	.15 i	--- ■
2. Enrollment in education or vocational training classes on reference date:			
a. Proportion eligible <sup>b</sup>	.84 i	.82 i	.94 i
b. Proportion enrolled	.44 = +	.37 = +	.20 - -
3. Proportion of eligible inmates involved in the following programs:			
a. Adult basic education	.06 = =	.11 = =	.08 = =
b. Secondary education	.08 = =	.10 = =	.07 = =
c. College education courses	.00 - =	.18 + +	.00 = -
d. Vocational training	.38 + +	.21 - +	.06 - -
4. Average class hours per week among those in education or vocational training programs	30.4 * ■	17.6 ■ ■	--- ■
<b>E. <u>Education and Training Evaluation</u></b> (6 month period)			
1. The general education program has been satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.5 = ■	-0.2 = ■	--- ■

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Have the academic courses provided useful skills? (-2=definitely have not, 2=definitely have)			
Inmate mean	0.1 = █	0.1 = █	--- █
a. Perceived understanding of the information presented in class (0=have not understood, 3=have completely understood)			
Inmate mean	2.0 = █	2.0 = █	--- █
b. Perceived importance of the information presented in class (-3=very unimportant 3=very important)			
Inmate mean	1.4 = █	1.6 = █	--- █
<b>F. <u>Recreation</u></b> (6 month period)			
1. Recreational activities are satisfactory (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-0.9 = █	-1.0 = █	--- █
2. Rating of how often prison recreational facilities are used (0=never, 6=every day)			
Inmate mean	4.2 + █	3.5 - █	--- █
3. Rating of how often inmates are unable to use the recreational facilities (0=never, 6=every day)			
Inmate mean	1.9 + █	2.4 - █	--- █



## Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	9	24%	4	10%	25	66%	.57
State	6	16%	8	21%	24	63%	.47
Federal	4	22%	7	39%	7	39%	.42

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<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.6  
 Comparison of Private, State, and Federal Women's Prisons on  
 Survey and Official Record Measures of Quality of Confinement

Dimension 6: Justice ("Do It Fairly")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. General</b>			
1. Direct comparison of prisons on protection of inmate rights (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.4 = █	0.4 = █	--- █
Inmate mean	-1.4 - █	-1.4 + █	--- █
2. Direct comparison of prisons on staff adherence to rules and procedures (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.9 + █	0.9 - █	--- █
Inmate mean	-0.9 - █	-0.9 + █	--- █
<b>B. Staff Fairness</b>			
1. Direct comparison of prisons on honesty and integrity of staff (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	1.0 + █	1.0 - █	--- █
Inmate mean	-0.9 - █	-0.9 + █	--- █
2. Direct comparison of prisons on staff fairness (-2=state much better, 2=private much better) <sup>a</sup>			
Inmate mean	-1.0 - █	-1.0 + █	--- █

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Agreement on aspects of staff fairness (-3=strongly disagree, 3=strongly agree):			
a. Staff let inmates know what is expected of them			
Inmate mean	-0.6 = █	-0.3 = █	--- █
b. Staff are fair and honest			
Inmate mean	-1.4 - █	-0.8 + █	--- █
c. Inmates are written up without cause			
Inmate mean	1.8 = █	1.8 = █	--- █
4. Staff are too involved in their own interests to care about inmate needs (-3=strongly disagree, 3=strongly agree)			
Inmate mean	0.9 = █	1.1 = █	--- █
C. <u>Limited Use of Force</u> (6 month period)			
1. Agreement that staff use force only when necessary (-3=strongly disagree, 3=strongly agree)			
Inmate mean	0.0 = █	0.0 = █	--- █
2. Perceived frequency with which staff have used force against inmates (0=never, 6=all the time)			
Staff mean	1.3 + +	2.1 - =	2.0 - =
Inmate mean	1.5 = █	1.7 = █	--- █
3. Number of significant incidents in which force was used			
a. Rate per capita-6	1 i .00 █ █	11 i .05 █ █	1 i .00 █ █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. Number of significant incidents in which restraints were used	0 i	14 i	6 i
a. Rate per capita-6	.00 # #	.06 # #	.00 # #
<b>D. <u>Grievance Volume</u></b> (6 month period)			
1. Proportion of staff who reported having had a grievance filed against them in last 6 months	.28 = +	.23 = +	.67 - -
2. Proportion of inmates who reported filing a grievance against staff or management	.52 - #	.31 + #	--- #
3. Number of inmates filing grievances	73 i	45 i	--- #
a. Proportion of 6 month pop.	.30 - #	.20 + #	--- #
4. Total grievances filed	157 i	135 i	64 i
a. Rate per capita-6	.64 # #	.59 # #	.04 # #
5. Number of grievances directed at individual staff	34 i	41 i	36 i
a. Proportion of all grievances	.23 = +	.30 = +	.56 - -
b. Rate per capita-6	.14 # #	.18 # #	.02 # #
<b>E. <u>The Grievance Process</u></b> (6 month period)			
1. Perceived effectiveness of the grievance procedure (0=not at all effective, 3=Highly effective)			
Staff mean	2.2 + #	1.9 - #	--- #
Inmate mean	0.5 = #	0.5 = #	--- #

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Perceived benefits of the grievance procedure (0=much more costly than beneficial, 4=much more beneficial) than costly			
Staff mean	2.5 = +	2.1 = =	2.0 - =
3. Perceived effect of grievance procedure on the quality of life (-1=makes it worse, 0=no difference, 1=makes it better)			
Inmate mean	-0.2 = █	-0.2 = █	--- █
4. Proportion of inmate grievants who report their grievance was taken care of:			
a. Completely	.13 = █	.04 = █	--- █
b. Partially	.13 = █	.15 = █	--- █
c. Not at all	.74 = █	.80 = █	--- █
5. Proportion of inmates who did not file a grievance, who cite the following reasons:			
a. They never had any major complaint	.37 = █	.26 = █	--- █
b. The problem was solved informally	.12 = █	.06 = █	--- █
c. They thought it would be useless	.38 = █	.46 = █	--- █
d. They were afraid of negative consequences	.10 = █	.20 = █	--- █
e. Other reasons	.03 = █	.02 = █	--- █
6. Proportion of all grievances that were appealed	.17 - █	.07 + █	--- █

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>F. <u>The Discipline Process</u></b> (6 month period)			
1. Proportion of inmates receiving a <u>major</u> sanction who felt it was a fair punishment	.09 = █	.21 = █	--- █
2. Proportion of inmates receiving a <u>lesser</u> sanction who felt it was a fair punishment	.23 = █	.24 = █	--- █
3. Perception of how many maximum security inmates really belong there (0=very few, 4=nearly all)			
Inmate mean	0.8 = █	0.9 = █	--- █
4. <i>Proportion of discipline guilty verdicts that were appealed</i>			
a. <i>Minor Reports</i>	.12 - █	.02 + █	--- █
b. <i>Major Reports</i>	.25 = █	.17 = █	--- █
5. <i>Proportion of major report sanctions</i>			
a. <i>Suspended at committee level</i>	.12 + █	.32 - █	--- █
b. <i>Modified by warden</i>	.00 + █	.33 - █	--- █
<b>G. <u>Legal Resources and Legal Access</u></b> (6 month period)			
1. Proportion of inmates who have used the law library	.52 i	.58 i	--- █
2. Proportion of inmates who feel the law library <u>has</u> supplied adequate information	.33 = █	.36 = █	--- █
3. Proportion of inmates who feel the law library <u>has not</u> supplied adequate information	.19 = █	.22 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. Number of grievances that involved legal resources or access	10 i	38 i	4 i
a. Rate per capita-6	.04 # #	.17 # #	.00 # #
<b>H. <u>Justice Delayed</u></b> (6 month period)			
1. Average number of days from the date of the discipline report until the hearing	6 + #	9 - #	--- #
2. Proportion of minor reports with hearings beyond 7-day limit	.08 + #	.95 - #	--- #
3. From date of grievance report until resolved by grievance officer:			
a. Average number of days	9 + #	13 - #	--- #
b. Proportion beyond 20 days	.00 + #	.28 - #	--- #
4. From date of grievance report until resolution approved by warden:			
a. Average number of days	11 + #	18 - #	--- #
b. Proportion beyond 27 days	.01 + #	.25 - #	--- #

<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

Legend: See Figure B.1 for explanation of symbols in this table.

### Summary of Comparisons on Justice

#### Private/State Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	15	29%	9	18%	27	53%	.56
State	9	18%	15	29%	27	53%	.44

#### Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	19	32%	12	20%	29	48%	.56
State	11	18%	20	33%	29	48%	.43
Federal	8	44%	6	33%	4	22%	.56

<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.7  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and Official Record Measures of Quality of Confinement

Dimension 7: Conditions ("Without Undue Suffering")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on overall quality of living conditions (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.6 + █	0.6 - █	--- █
Inmate mean	-1.7 - █	-1.7 + █	--- █
2. The administration is doing its best to provide good living conditions (-3=strongly disagree, 3=strongly agree)			
Inmate mean	-1.7 - █	-0.3 + █	--- █
<b>B. <u>Crowding</u></b> (6 month period)			
1. Average resident population as percentage of capacity			
	81 █ █	106 █ █	153 █ █
2. Proportion of 6 month period in which capacity was exceeded			
	.00 + +	.94 - =	1.00 - =
3. Average number of sq. ft. per inmate in housing units			
	97 █ █	79 █ █	66 █ █
4. Perceived occurrence of crowding in the housing units (0=not at all crowded, 4=very crowded)			
Staff mean	0.1 + +	2.3 - +	3.2 - -
Inmate mean	2.1 = █	2.3 = █	--- █

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
5. Perceived occurrence of crowding outside the housing units (0=not at all crowded, 4=very crowded)			
Staff mean	0.2 + +	1.5 - +	3.0 - -
Inmate mean	1.8 + ■	2.3 - ■	--- ■

C. Social Density and Privacy1. *Proportion of inmates on reference date who were confined in:*

a. <i>Single occupancy units of 60 sq. ft. or more</i>	.58 = +	.51 = +	.33 - -
b. <i>Multiple occupancy units with 60 sq. ft. or more per inmate</i>	.42 + +	.27 - +	.05 - -
c. <i>Multiple occupancy units with less than 60 sq. ft. per inmate</i>	.00 + +	.22 - +	.62 - -

## 2. Perceived amount of privacy within the sleeping area (0=none at all, 4=complete)

Staff mean	2.1 = +	2.0 = +	1.2 - -
Inmate mean	1.2 - ■	1.6 + ■	--- ■

## 3. Perceived amount of privacy in the shower and toilet area (0=none at all, 4=complete)

Inmate mean	1.0 - ■	2.2 + ■	--- ■
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(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>D. <u>Internal Freedom of Movement</u></b>			
1. Perceived freedom of movement for inmates (0=none at all, 4=very much)			
a. During the day			
Staff mean	2.4 - -	2.7 + -	3.8 + +
Inmate mean	0.7 - ■	1.3 + ■	--- ■■
b. During the evening			
Staff mean	2.0 = -	2.0 = -	3.7 + +
Inmate mean	0.8 = ■	0.8 = ■	--- ■■
c. During the night			
Staff mean	0.5 - -	0.8 + -	1.5 + +
Inmate mean	0.5 = ■	0.5 = ■	--- ■■
2. Proportion of inmates on reference date who were confined to housing units for over 10 hours per day			
	.00 = +	.01 = +	.04 - -
<b>E. <u>Facilities and Maintenance</u> (6 month period)</b>			
1. Residents on reference date, vs. conveniences in living areas <sup>b</sup>			
a. Inmates per shower	5.3 ■■ ■	5.0 ■■ ■	8.2 ■■ ■
b. Inmates per sink	1.2 ■■ ■	1.5 ■■ ■	3.6 ■■ ■
c. Inmates per toilet	1.2 ■■ ■	1.5 ■■ ■	4.4 ■■ ■
d. Inmates per telephone	16.7 ■■ ■	10.0 ■■ ■	--- ■■ ■
e. Inmates per television	16.7 ■■ ■	8.3 ■■ ■	54.9 ■■ ■
2. Number of grievances about maintenance			
	5 i	9 i	10 i
a. Rate per capita-6	.02 ■■ ■	.04 ■■ ■	.01 ■■ ■

(continued)

PrivateStateFederalF. Sanitation

(6 month period)

1. Perceived occurrence of insects, rodents, or dirt in the housing units (0=never, 6=all the time)

Staff mean	1.0 + +	2.2 - +	3.2 - -
Inmate mean	2.2 = ■	2.5 = ■	--- ■

2. Perceived occurrence of insects, rodents, or dirt in the dining hall (0=never, 6=all the time)

Staff mean	0.4 + +	1.7 - +	2.9 - -
Inmate mean	1.4 = ■	1.7 = ■	--- ■

3. Perceived occurrence of a bad odor or poor air circulation in the housing units (0=never, 6=all the time)

Inmate mean	3.5 = ■	3.0 = ■	--- ■
-------------	---------	---------	-------

G. Noise

(6 month period)

1. Perceived noise level in the evening hours (0=not at all noisy, 4=very noisy)

Staff mean	1.4 = +	1.6 = +	2.4 - -
Inmate mean	2.7 - ■	1.7 + ■	--- ■

2. Perceived noise level in the sleeping hours (0=not at all noisy, 4=very noisy)

Staff mean	0.7 = +	0.8 = +	1.3 - -
Inmate mean	1.6 - ■	1.1 + ■	--- ■

(continued)

H. Food

(6 month period)

1. Quality of food at the institution (0=poor, 1=fair, 2=good)

Inmate mean

1.0 + ■

0.4 - ■

--- ■

2. Variety of the food at the institution (0=poor, 1=fair, 2=good)

Inmate mean

0.7 + ■

0.3 - ■

--- ■

3. Proportion of inmates who feel enough food is served for the main course

.30 = ■

.29 = ■

--- ■

4. Proportion of inmates who feel the appearance of the food is appealing

.60 = ■

.17 = ■

--- ■

5. Direct comparison of prisons on meals (-2=state much better, 2=private much better)<sup>a</sup>

Inmate mean

0.7 + ■

0.7 - ■

--- ■

6. Number of grievances involving food complaints

5 i

4 i

--- ■

a. Rate per capita-6

.02 ■ ■

.02 ■ ■

--- ■

I. Commissary

(6 month period)

1. There is an adequate commissary selection (-3=strongly disagree, 3=strongly agree)

Inmate mean

-2.0 = ■

-1.8 = ■

--- ■

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
2. Proportion of inmates who reported:			
a. No errors in their commissary account	.54 - █	.66 + █	--- █
b. Errors that were fixed	.32 + █	.20 - █	--- █
c. Errors that were not fixed	.14 = █	.14 = █	--- █
J. <u>Visitation</u> (6 month period)			
1. Proportion of inmates who find it hard to arrange visits with family and friends	.55 = █	.56 = █	--- █
2. Proportion of inmates whose family and friends find it hard to arrange visits with them	.52 = █	.54 = █	--- █
3. Average number of visitors reported by inmates	5.3 = █	6.0 = █	--- █
4. Rating of the quality of visits (0=poor, 1=fair, 2=good)			
Inmate mean	1.0 - █	1.3 + █	--- █
5. Perceived occurrence of too many people in the visiting area (0=never, 6=all the time)			
Inmate mean	2.1 + █	2.9 - █	--- █
6. Rating of how often it is hard to talk to a visitor because of too much noise in the visiting area (0=never, 6=all the time)			
Inmate mean	1.9 = █	2.4 = █	--- █

(continued)	<u>Private</u>	<u>State</u>	<u>Federal</u>
7. Proportion of inmates who feel the visiting room has enough furniture	.24 - ■	.43 + ■	--- ■
8. Proportion of inmates who feel the visiting room has enough vending machines	.30 = ■	.32 = ■	--- ■
9. Number of grievances involving visitation and mail problems	27 i	8 i	3 i
a. Rate per capita-6	.11 ■ ■	.03 ■ ■	.00 ■ ■
<b>K. <u>Community Access</u></b>			
(6 month period)			
1. Furloughs	10 i	180 i	39 i
a. Rate per capita-6	.04 ■ ■	.78 ■ ■	.03 ■ ■

<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

<sup>b</sup>Excludes segregation units, intake holding cells, and infirmary.

Legend: See Figure B.1 for explanation of symbols in this table.

### Summary of Comparisons on Conditions

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	18	31%	16	28%	24	41%	.52
State	16	28%	18	31%	24	41%	.48

## Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	36	44%	20	24%	26	32%	.60
State	34	41%	21	26%	27	33%	.58
Federal	7	15%	36	75%	5	10%	.20

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<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

Table B.8  
Comparison of Private, State, and Federal Women's Prisons on  
Survey and *Official Record* Measures of Quality of Confinement

Dimension 8: Management ("As Efficiently as Possible")

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>A. <u>General</u></b>			
1. Direct comparison of prisons on overall work environment (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	1.3 + █	1.3 - █	--- █
2. Direct comparison of prisons on effectiveness of management (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.7 + █	0.7 - █	--- █
3. Direct comparison of prisons on staff morale (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.7 + █	0.7 - █	--- █
<b>B. <u>Job Satisfaction</u> (6 month period)</b>			
1. Institution Satisfaction Index: avg. across 3 items expressing positive feelings toward the institution (-3=strongly disagree, 3=strongly agree)			
Staff mean	1.3 = +	1.1 = +	0.5 - -
2. Proportion of staff who reported filing a griev- ance against management	.00 + +	.04 - =	.08 - =

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
3. Proportion of staff who have not filed a grievance, who cite the following reason:			
a. Never had a major complaint	.80 + +	.46 - =	.42 - =
b. Problem was taken care of informally	.08 - -	.21 + =	.28 + =
c. Thought it would be useless	.05 + =	.15 - =	.15 = =
d. Afraid of negative consequences	.04 + =	.17 - =	.10 = =
e. Other reason	.03 = =	.02 = =	.04 = =

C. Stress and Burn-Out

1. Job Stress Index: average across 5 items regarding how often staff experience stress on the job (0=never, 6=all the time)			
Staff mean	1.7 + +	2.5 - +	3.0 - -
2. Hardening-Toward-Inmates Index: avg. across 3 items regarding how often staff feel indifferent or harsh toward inmates, (0=never, 6=all the time)			
Staff mean	1.3 + +	2.0 - +	2.5 - -
3. Relating-to-Inmates Index: avg. across 7 items regarding how often staff feel positive about the way they work with inmates (0=never, 6=all the time)			
Staff mean	3.9 + =	3.6 - =	3.6 = =

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
<b>D. <u>Staff Turnover</u></b>			
1. Staff on reference date divided into:			
a. Vacancies on reference date	.07 ■ ■	.05 ■ ■	--- ■ ■ ■
b. Terminations during previous 6 months	.12 ■ ■	.10 ■ ■	.03 ■ ■
2. Termination rate divided by relevant BOP tenure-specific rate <sup>b</sup>			
	.36 ■ ■	1.67 ■ ■	1.50 ■ ■
<b>E. <u>Staff and Management Relations</u></b>			
1. Direct comparison of prisons on staff/management relations (-2=state much better, 2=private much better) <sup>a</sup>			
Staff mean	0.6 = ■	0.6 = ■	--- ■ ■ ■
2. Management & Communication Index: avg. across 10 items expressing positive appraisals of the organization and authority of management (-3=strongly disagree, 3=strongly agree)			
Staff mean	1.3 + +	0.7 - +	0.3 - -
3. Relationship-with-Supervisor Index: avg. across 6 items regarding how positive staff feel toward their supervisor (-3=strongly disagree, 3=strongly agree)			
Staff mean	0.9 = +	0.5 = =	0.4 - =

(continued)

	<u>Private</u>	<u>State</u>	<u>Federal</u>
4. Rating of how the building design affects communication among line staff (-2=greatly inhibits, 2=greatly facilitates)			
Staff mean	0.4 + +	-0.2 - +	-0.9 - -
5. Rating of how the building design affects communication between line staff and supervisors (-2=greatly inhibits, 2=greatly facilitates communication)			
Staff mean	0.3 + +	-0.1 - +	-0.7 - -

F. Staff Experience

1. Average number of years worked at this institution	0.5 - -	3.0 + -	8.1 + +
2. Average number of other facilities worked in prior to this facility	0.9 = +	0.7 = =	0.4 - =
3. Average years in corrections <sup>c</sup>			
a. Total staff, minus services staff <sup>d</sup>	2.8 = ■	3.3 = ■	7.6 ■ ■
b. Custody staff	2.3 = ■	2.7 = ■	--- ■
c. Top administrators	14.3 + ■	5.5 - ■	--- ■

G. Education

1. Average years of education (excluding services staff) <sup>d</sup>	13.0 + ■	12.5 - ■	14.1 ■ ■
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(continued)

PrivateStateFederalJ. Staffing Efficiency

1. Number of resident inmates  
per FTE staff member on ref-  
erence date<sup>e</sup>

1.7 ■ ■

1.4 ■ ■

3.5 ■ ■

<sup>a</sup>Comparison by 22 staff and 87 inmates at private prison having prior experience at state prison. Single score tested for difference from zero ("about the same"). Sign of score denotes which prison is favored, but nonsignificant score indicates equality.

<sup>b</sup>Comparison is to BOP average turnover among staff in their first year (33%), third year (6%), and eighth year (2%), which correspond to the average tenures of staff at CCA, WNMCF, and Alderson respectively.

<sup>c</sup>For State, this refers to consecutive years in New Mexico Corrections Department. For Federal, it is years in the B.O.P.

<sup>d</sup>State and Private services (and program) staff were dropped from the measures of education, salary, and experience because data were missing for those staff at the State prison. For Federal, the data were aggregated and program and services staff could not be separated out, except for salary measure.

<sup>e</sup>Here, the State figure is based on all inmates (including males) and includes all staff, because of overlapping duties, whether assigned to the male (RDC) or to the female (CCW) units. Staff are counted in Full Time Equivalency (FTE) values, except for Federal, where the number of staff is assumed to be all full-time.

Legend: See Figure B.1 for explanation of symbols in this table.

**Summary of Comparisons on Management**

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Private/State Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	17	46%	2	5%	18	49%	.70
State	2	5%	17	46%	18	49%	.30

Private/State/Federal Comparisons

	<u>Favorable</u>		<u>Unfavorable</u>		<u>Similar</u>		<u>Quality Index<sup>a</sup></u>
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>	
Private	28	47%	8	13%	24	40%	.67
State	8	13%	23	38%	29	48%	.38
Federal	12	26%	17	37%	17	37%	.45

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<sup>a</sup>Favorable Differences + (Similarities ÷ 2) / Total Comparisons

## Appendix C - A Note on Costs

Operating costs for New Mexico's prisons in recent years have been among the highest in the nation, in contrast to other southwestern states, which have been among the lowest. In 1988, state and federal correctional agencies spent an average of \$44.70 per day per inmate; the federal figure was \$39.67. The figure for New Mexico in that year was \$68.00.<sup>1</sup>

According to figures provided by the New Mexico Corrections Department, operating costs at the Western New Mexico Correctional Facility, which included the Correctional Center for Women, were \$80.00 per inmate per day in Fiscal Year 1988-89. Beginning in the following fiscal year, the contractual fee for the prison run by Corrections Corporation of America was \$73.85, of which \$4.10 was an amount set aside to cover the prison's gross receipts sales tax, which the company paid directly back to the state, leaving a net fee of \$69.75 per inmate day.

While \$69.75 is 12.8% less than \$80, the cost comparison is not quite that simple. For a fuller accounting, some additional costs would have to be added to each side.

To the contractor's fee of \$69.75 would have to be added the salary and benefits of two state employees at the institution: the woman who ran the correctional industries program and the man who served as the consent decree and contract compliance monitor.<sup>2</sup> In addition, the state continued to provide preservice training at the state corrections academy to all new corrections officers, though the company paid their transportation and salaries during training and the cost of all subsequent yearly training. Further, there would be some central office administrative costs that should continue to be allocated to the facility, although some of them--such as legal defense, insurance, personnel, payroll, purchasing, property control, and accounting--would be aspects of administrative overhead now assumed by the contractor.

To the state's own operating costs of \$80 would have to be added capital costs, to cover prior construction and financing, which were included in the contractor's per diem costs but not the state's. Further, there were some difficult-to-estimate risk costs previously borne by the state but against which it was

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<sup>1</sup>George M. Camp and Camille Graham Camp, The Corrections Yearbook 1989 (South Salem, NY: Criminal Justice Institute, 1989), pp. 28-29.

<sup>2</sup>Combined, these two employees salaries plus fringe benefits would have added \$1.46 per inmate day to the \$69.75 contractual fee.

indemnified by the private company under the contract. These would include potential legal damages and medical costs. Unlike some contracts where the contractor's medical liability is capped at \$6,000 or \$10,000 per claim--with the state picking up any catastrophic costs--the company in New Mexico assumed 100% medical liability. Finally, the state's estimated expenses did not include some correctional costs previously paid out of budgets other than the corrections department, that were shifted to the private company after contracting. Examples would be the cost of doing payrolls, which was a centralized state function, and the processing of purchase vouchers by the Department of Finance and Administration.<sup>3</sup>

No formal cost analysis was attempted in this study, nor had the state conducted such an evaluation by the time of this writing, but based on the figures described above, financial analysts in the New Mexico Corrections Department believed that the contract surely was saving the state money.

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<sup>3</sup>Prior to contracting, numerous vouchers relating to the operation of the women's prison were processed monthly both by the NMCD and by the Department of Finance and Administration, at an estimated processing cost of \$40 per voucher. After contracting, there was only one voucher per month for the state to process.

## APPENDIX D - PRÉCIS OF CONSULTANTS' SITE VISIT REPORTS

### PRÉCIS OF SITE VISIT REPORTS BY CHARLES W. THOMAS

#### Western New Mexico Correctional Facility, October 1988

The primary purpose of this commentary is to provide an assessment of Western New Mexico Correctional Facility (WNMCF), the state-managed facility for women. Additionally, I will address the possible challenges facing Corrections Corporation of America (CCA) as the female inmates are transferred to CCA's privately managed facility.

Because of the ideological and political nature of the privatization debate, I feel something of an obligation to summarize my own predispositions. After investigating the issue in my own research, I have concluded that (1) public facilities are often run inefficiently, (2) private sector corrections corporations are capable of enhancing operational efficiency, and (3) there is no inherent difference between public and private sector facilities in areas of effectiveness. I therefore come out with a generally positive predisposition toward the private alternative.

#### The Physical Characteristics of the Facility

I have both positive and negative impressions of the Western New Mexico State Correctional Facility. On a positive note, the facility appears structurally sound, not terribly crowded, and unusually neat and clean.

Overall, however, my evaluation of the physical characteristics of Western is quite negative. My impression is that the facility's construction costs were high, and much more could have been accomplished with a better design. A better design might have enhanced security and lowered the number of necessary security staff. The design of some areas of the prison--the food service area, library, vocational training program space, and outdoor recreation area--does not allow space adequate to meet the needs of the resident population.

#### Security

The treatment and custody staff carry a crisp, professional appearance and serious attitudes toward their duties, and the custody staff seems to have a good degree of control over activities in the facility. Again, however, I have some less favorable commentary to counter my positive observations. A major security problem is the poor physical design of the facility. The poor design is not fatal to Western; more sophisticated electronic

security equipment, or policy and procedure modifications could compensate for some of the holes in security created by physical structure.

Overall, security is satisfactory, but not to a degree I am comfortable with. The lax security could also pose some problem to CCA upon transition to the new facility. A change from a relaxed security environment to one of strict emphasis of policy and security could lead to a troublesome reaction by transferred inmates.

#### Medical, Psychological, and Psychiatric Services

My impression, gained from speaking both to inmates and to staff, is that these services are of considerable importance to the inmates, that the quality of existing services is sound, and that significant resources are allocated to maintain or enhance the level of services.

Concern was expressed by many inmates that the transfer to private management would result in a reduction of quality and availability of these services.

#### Overall Impressions

My overall impressions regarding the facility were at least relatively positive. My impressions of the facility staff were especially positive. While the facility suffers from poor physical design, it is managed and operated with attention to these deficiencies. If you must have problems, I suspect these are the more desirable; it is far better to have good people working within a substandard facility than bad people working within any kind of facility.

#### Observations Regarding Inmate Adjustment to Private Management

I do not anticipate a smooth and easy adjustment to the new facility for the female inmates who will be transferred next June. These inmates in many cases have already experienced multiple moves. Inmates have expressed some anxiety over the move to private operation, particularly with regard to quality and availability of services. In addition, I suspect that the movement to a facility characterized by increased levels of supervision and security will provoke some inmate resistance and anxiety.

CCA- New Mexico Women's Correctional Facility, July 1989

The purpose of this second site visit to New Mexico was to observe the transition from public sector to private sector management of New Mexico's female inmates, which occurred in June of 1989.

Critics of private sector prison management forecasted doom for the transfer of inmates between the state's WNMCF and CCA's New Mexico Women's Correctional Facility (CCA-NMWCF). There were a number of factors present which led me to believe the actual move would not be such a failure. First, it is my knowledge that federal, state, and local governments which have contracted with CCA in the past have not experienced the serious problems anticipated by critics. Additionally, my previous site visit to New Mexico left me with a favorable impression of the New Mexico Corrections Department (NMCD) and WNMCF's commitment to cooperate in making a smooth transition. My observations and impressions in July of 1989--one month after the transfer took place--provide substantial evidence of a relatively problem-free transition. No significant problems were reported by either prison during the transfer, and positive commentary on the transition period came from all fronts. Several factors which characterized the transfer may be responsible for such high appraisals:

(1) The Selection of an Experienced Private Firm. Private correctional firms are not inherently successful. CCA is well capitalized, well experienced, and well managed. The selection of CCA by NMCD deserves to be depicted as an influential variable.

(2) The Responsiveness and Cooperativeness of the NMCD. The relationship between the NMCD and CCA is marked by mutual respect and cooperation. During the periods before, during, and after the move of inmates, this mutually supportive public sector-private sector partnership made for a successful transition and a positive working relationship.

(3) The Employment of Experienced NMCD Staff. There is a delicate balance in the successful staffing of a new private facility. Staff members recruited from the government facility bring with them operational and political benefits, and indeed are often required in the contract. Too many employees recruited from the state, however, is not healthy either for the work environment of the facility or for the relationship between the public and private correctional sectors. It is my opinion that CCA has achieved a positive balance between former state employees and new hires.

(4) The Overall Quality of the NMWCF. The new facility is marked by a design superior to the former women's facility. The dining area and the visiting area are attractive, the law library

well equipped, and the indoor recreation area is spacious. Most inmate criticisms of NMWCF stem from the conditions in minimum security, where perceptions of movement and privacy are significantly less than what was true for the state facility.

#### Problems with the Transition from WNMCF to NMWCF

The CCA-NMWCF has gotten off to a strong and positive start. There are, however, areas of the transfer and operation which do deserve criticism:

(1) Employee Recruitment and Training. For the first month of operation, a significant number of the facility's employees were still in training and therefore unavailable to work in the facility. Those who were available were forced into heavy workloads, and many were new, unexperienced officers. The staff were effective and professional in any case, but it may have been wiser to wait to open the facility with a full staff.

(2) Program Implementation Delays. Education, prison industry, and recreation programs were not fully operational at the time of the site visit, more than a month after the transfer. Inmates were left with little in which they could become actively involved.

(3) Facility Design Problems. Although the physical design of the CCA facility is far better than that of WNMCF, there are still a number of flaws which deserve attention. The prison industry area was underdeveloped at the time of our site visit, and too small to provide adequate work opportunities to meet the needs of the resident inmate population. The laundry area is also small, and does not impress me as capable of handling growth of the facility's population. The minimum security area allows little personal space or privacy for the inmates it houses.

(4) Policy and Procedures. I expected resistance from the inmates toward the tighter security and stricter regime they met upon transfer. What I did not expect to find was slow and ineffective communication of policies and procedures to the inmates. This oversight led to much unnecessary misunderstanding and confusion.

(5) Clarity of Contractual Relationships between the NMCD and CCA. I discovered two possible problem areas which were not addressed by the contract. First, a female inmate with serious psychiatric problems is being housed in a NMCD facility, and it is not clear whose responsibility she is financially. The second ambiguous area is responsibility for women who do highway road work or other work outside the facility.

### Overall Impressions of the NMWCF

Notwithstanding the above criticisms, my overall impressions of the CCA-NMWCF are quite favorable. The transition was smooth and characterized by professional and effective public sector--private sector relationships. The facility itself is physically impressive and secure, and staffed with an enthusiastic and well mixed work force.

### CCA-New Mexico Women's Correctional Facility, December 1989

This third and final site visit report will summarize my impressions of the quality of the new CCA facility, particularly in comparison to the state-run WNMCF. While I will make both negative and positive comments on CCA's facility and management practices, my conclusion doesn't waver: each and every "doom and gloom" forecast advanced by privatization critics has unequivocally and literally proven to be invalid.

### Facility Design

The design of the state's WNMCF can only be described as a disaster--or perhaps more accurately as a disaster waiting to happen. The design of CCA-NMWCF is a distinct improvement. Line of sight, space allocations, and electronic security equipment each impress me as better than Western. There are, however, some design and equipment flaws: leaky roofs, poor temperature control, inadequate personal space in the minimum housing units, flawed lighting systems, defective shower stall design, a poorly monitored entry point into the facility, and the necessity of movement of medium security inmates past minimum security housing areas.

### Overall Facility Management

The overall management of the CCA-NMWCF deserves a good deal of praise. The facility is maintained well. Staff are professional, congenial, and cooperative. Policies and procedures are clear to everyone. As is perhaps always the case, however, there are some areas where there is room for improvement. Both inmates and staff members comment that the Warden is not a very visible presence in the facility. Inmates complained of insufficient recreation time.

## Security

My impression is that overall security provisions at NMWCF are sound, and certainly better than what we found a year ago at WNMCF. There are a few troubling areas: the relative inattention to external security, the high workload given to the sole operator of the main control center, and the poor control of incoming contraband and drugs.

## Programs and Services

I will comment on four areas of programs and services. The first of these is the food service. CCA has made a great effort to provide inmates with decent meals and an attractive dining area. Few if any inmates have complaints about the food at the new facility. A second noteworthy area of service is medical. My strong impression is that medical services are of reasonable quality and are readily available. I was also favorably impressed by the emphasis on and apparent quality of the basic and vocational education programs. Participation in these programs is high. Less impressive however, is the area work programs. There appears to be a continuing lack of prison industries and outside work. Overall, I am of the opinion that all basic programs and services are superior to those which were made available to the women at Western.

## Rules, Regulations, and Discipline

I have two basic impressions in this area. First is the apparent effectiveness of the consent decree monitor. Inmates report quick and easy access to Mr. Castner, the consent decree monitor, and Mr. Castner seems to have earned a good deal of respect from both inmates and staff. Inmates also report that rules are enforced firmly and fairly. Not one inmate complained of illegitimate exercise of powers on the part of facility staff.

## Inmate Reactions to NMWCF

Many of the women I interviewed relayed to me their perceptions of the overall conditions of confinement at Western as better than those they now live under at CCA. There were a number of positive comments, however. It seems the inmates generally view the services at CCA as better than at Western. While the food service was praised, the inmates were less enthusiastic about work programs, vocational training, and medical services. A significant number of inmates remarked that staff at the CCA facility appear to be more even-handed, more polite, and less hardened by their jobs.

### Staff Reactions of NMWCF

In general it is not surprising that staff members who moved from WNMCF to NMWCF are more positive in their assessments of the recent changes than are the inmates. They remarked that the enhanced benefits far outweigh the adjusted burdens, and overall levels of job satisfaction are significantly higher at the new facility.

### Overall Impressions

My overall impressions about what is taking place in Grants, New Mexico are very favorable. A combination of factors--the selection of CCA, the largest and most experienced private provider of correctional services; NMCD's consistent and meaningful cooperation with CCA; the recruitment of Warden Johnson, an energetic and thoroughly experienced correctional administrator; and the hiring of an effective, enthusiastic, and professional staff--have all combined to make NMWCF a model facility and an example of successful partnership between the public and private sectors.

### PRÉCIS OF SITE VISIT REPORTS BY JOHN J. DI IULIO, JR.

The academic and popular literatures on "private prisons" have grown rapidly, and my own research on the subject has led me to several conclusions. I believe that private involvement in the finance and construction of correctional institutions reduces costs and poses no significant dilemmas. The cost-effectiveness and moral propriety of the private "hands on" administration of correctional institutions, however, is an issue I question seriously. Unfortunately, the literature is lacking in definitive discussion of the virtues and vices of private correctional administration. This research in New Mexico, although not without its methodological problems, promises to take us a few steps closer to general knowledge about the comparative strengths and weaknesses of public vs. private correctional administration.

### Western New Mexico Correctional Facility, October 1988

Although my time on site at Western New Mexico Correctional Facility (WNMCF) was brief, I did form some clear impressions of the women's operation. I will present my basic impressions under five headings: order, service, amenity, management, and transition.

### Order

Order refers to the presence or absence of staff or inmate misconduct which threatens the physical, emotional, or psychological well-being of those who live and work in the facility. In general, WNMCF did not seem to be a disorderly facility; it is quite comparable to other female institutions. Inmates reported that predatory inmate behavior was not commonplace. Drugs are present in the institution, but not at levels remarkably different from other facilities. Disciplinary procedures appeared to run smooth, although inmates complained of oversentencing and "quick-with-the-pen" staff practices. Almost every inmate had at least one "ticket" within the past six months, a reality which makes most inmates ineligible for the prison's honor unit.

### Service

My impressions of services at WNMCF were mixed. The honor unit can be a valuable tool for preparing inmates to lead lawful, responsible lives upon release, but it is not an opportunity available to many inmates at all. The quality and quantity of education programs seemed good, and inmates had much praise and few complaints about the programs. The prison employment system, while no model for the nation, is a strong program which seems to enhance the self-development and job skills of inmates. The mental health services are respectable in terms of quality, but not quantity--services are just not adequate to meet the demands of the female population. The medical services are similarly stretched thin.

### Amenity

By amenities I mean the things which enhance the inmates' comfort without "coddling" them. The meals, for example, were reportedly good and portion sizes adequate. The institution was clean and neat, and inmates seemed to have plenty of access to TVs and radios. The law library was well-stocked. There seemed to be a dearth, however, of recreational equipment and constructive activity.

### Management

From the Warden on down the ranks, WNMCF's management seemed at least as good as the management of comparable institutions I've studied. The most immediate impression of the staff is their "spit-and-polish", paramilitary appearance. The staff's professional attitudes and behaviors are also notable. Furthermore, the uniformed and non-uniformed personnel seemed to communicate well, and all seemed to share the understanding that

"inmates don't come to prison to be punished; coming to prison in itself is their punishment."

The inmates, on the other hand, complained bitterly about poor communications of policies, etc. While there may be some truth to their claims, the staff appeared responsive and occasionally friendly toward the inmates.

### Transition

CCA has been trying to make the transition process clear to the staff and inmates at Western; however, there haven't been many details communicated. The contract, while detailed, is also lacking in some areas of intangible qualities which concern inmates: leadership style, cast of inmate-staff communication, informal resolution of minor infractions, and so on.

To comment on where WNMCF will be left after the transfer, the housing units which are now used for the female inmates will need to undergo structural and general security changes in order to accommodate the "heavier" male inmates. The WNMCF administration seemed unworried about CCA "raiding" its staff in order to fill staff positions at the new facility.

### CCA-New Mexico Women's Correctional Facility, May 1990

Before the opening of the CCA-New Mexico Women's Correctional Facility (NMWCF), New Mexico's women prisoners could be described as correctional "orphans." Most recently the female inmates were housed in a make-shift wing of Western New Mexico Correctional Facility (WNMCF), a large high-security institution for males. Before that, the women prisoners experienced frequent moves between different facilities, none of which was equipped to meet the needs of female inmates.

In June of 1989, the women inmates were transferred to a new women's facility, administered and operated by the private sector. Perhaps now the fundamental question is whether the opening of CCA-NMWCF constitutes a new and positive beginning in the care and custody of women prisoners in New Mexico, or the final chapter in a long and sordid history of relative abuse and neglect. My impression after studying this issue is that the new privately managed facility is a new and positive beginning for the women inmates in New Mexico, but a change which could and should have been made without resort to private management.

### Safety and Security

The physical plant of NMWCF is highly conducive to institutional safety, security, and order, and is certainly superior to that of WNMCF. There is no difference in misconducts and incidents, which can be taken as a positive sign for CCA--rates of disorders are typically higher at a new institution.

### Inmate Care and Enterprise

NMWCF seems to provide the inmates with decent care and significant opportunities for productive activity and self-betterment. Inmates did complain about inadequate health services and a lack of available work assignments, but these complaints don't appear to be founded in fact.

One area which does concern me is education. The brief but intensive "crash-course" format raises questions of effectiveness and substance of instruction. Other issues are raised by the degree to which the education program is dependent on Pell grants for funding.

### Justice

It is my estimation that on measures of institutional "justice" and due process, NMWCF operated well within constitutional standards, ACA standards, NMCD standards, and the provisions of Duran. The Inmate Handbook, for example, clearly spells out the procedures of grievance, disciplinary proceedings, and so on, and the law library is well stocked.

Inmates, however, have a different perception of "justice" at NMWCF. Inmates were nearly unanimous in their negative perceptions of the administration, and they offered many credible examples. It seems that much of this negativism is an outgrowth of the transfer, and I predict a marked decrease in these criticisms a few years from now.

### Lifestyle

It would take an extremely active imagination to rate NMWCF low on the amenities which comprise "lifestyle"--population density, privacy, food, sanitation, visitation, and so on. NMWCF is a modern, well-maintained, clean, and uncrowded facility which offers decent amenities.

It is worth noting, however, that despite the fact that the inmates agree that the quality of "lifestyle" at NMWCF is superi-

or to Western, many would rather return to the crowded conditions of Western, where they experienced, for example, more privacy.

### Management

The importance of institutional leadership, organization, and day-to-day management to the many dimensions of the quality of institutional life is obvious to most corrections practitioners.

Warden Sharon Johnson has impressive professional credentials and a broad base of experience which qualify her well for the leadership role she now holds at NMWCF. She is noted for her "go-by-the-book" management style. This gains her many criticisms from inmates, particularly those who transferred from the "looser" regime at Western. One criticism Warden Johnson received from inmates which may be worth her attention is her lack of visibility in the institution.

The remainder of the NMWCF administrative hierarchy is also qualified and effective, and operates under a "team management" approach. The top managers Daniel Moriarty (Assistant Warden), and Thomas Newton (Chief of Security) are distinguished corrections professionals. The commanders convey a sense of dedication and professionalism. By the same token, officers seemed to know what they were doing and to be doing it well.

In sum, NMWCF is a good facility. It would be even better--and less morally problematic--however, if it were a product of government reform rather than government sales.