

**The Threat that the Prison Industrial System Poses to the Health and Safety of Prisoners  
and Underprivileged Communities Throughout the United States**

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The United States has the highest per capita prison population in the world, with over six hundred and fifty-five prisoners per one hundred thousand of the national population. Not only does the United States have the highest per capita prison population in the world, it also has the highest prison population in the world with over 2.12 million incarcerated as of 2020. In order to keep control over the ever-growing prison population, the government turned towards private prison contracts in order to subsidize some of the federal prison budget. This for-profit prison system can be traced back to the ratification of the 13<sup>th</sup> Amendment and the world after the ending of slavery, leading to what is now known as the “Prison Industrial Complex”. The “Prison Industrial Complex” was derived from the term “Military Industrial Complex”, which refers to an informal alliance between a nation’s military and the defense industry that supplies it, seen together as a vested interest which influences public policy. The “Prison Industrial Complex” has been defined as the combination of private-sector and government interests that profit from increased spending on prisons. With the implementation of private prison contracts between the Federal Government and private prison companies, “fighting crime” has become a booming business leading to a self-serving, self-perpetuating bureaucratic system that has helped to increase the United States Prison population. The prison industrial complex has become very controversial in recent years, regarding the uneven numbers of minority groups who are imprisoned along with the increase in private prison contracts for housing immigrants who have crossed into the United States illegally. Does the “Prison Industrial Complex” threaten the health and safety of prisoners and underprivileged communities by focusing on the profits that can be made? Through a historical, political, and business perspective this research question will be explored in order to gain a well-rounded understanding of where the “Prison Industrial Complex” came from and how influential it has become in the current world of criminal justice.

Historically, private prison contracts were created to save the government federal money on their prison budget. The historical context of slavery and Jim Crow Laws in the United States helped to solidify a belief that certain minority groups needed to be controlled through a socially accepted program. Politics have always been involved with the prison system in the United States by dictating the precedent regarding prison sentencing, social rules that cannot be broken without punishment such as murder or robbery, and implementing laws on the local, state and federal level. The business aspect of private prisons is very profitable, bringing in over 3.3 billion dollars every year. These high profit numbers benefit from harsher sentences for crimes and increased immigration detention centers, which is creating an unending cycle of influencing policy. The “Prison Industrial Complex” threatens the health and safety of underprivileged communities and prisoners, by lobbying for harsher punishments, mandatory sentencing, and increased policies that unfairly target under privileged communities in order to increase their own profits.

The historical context of the “Prison industrial System” can be traced back to the end of slavery in the post-civil war era United States, although slavery had been officially ended this did not stop the majority white population from wanting a way to control the newly freed African American slaves. The Mississippi Correctional Facility was a place used to house prisoners after the end of slavery, and is still opened today. The laws that were implemented in Mississippi that worked to fill the prison unfairly targeted African Americans in Jim Crow Era Mississippi, and these laws were not unique to Mississippi but could be found all over the Southern Region of the United States. The Mississippi legislature passed a law in 1876, a major crime bill aimed directly at African Americans, known as the “Pig Law” which worked to redefine grand larceny to include farm animals and any property that was valued at ten dollars or more. This sudden

increase in punishable offences lead to a dramatic increase in the state prison population, with 1,072 by 1877 which was up from 272 in 1874, a majority of those arrests were African American freed slaves. Slavery had ended in the South, but that did not change the sentiment that a majority of society believed that the minority population needed to be controlled in some way. That way had begun as slavery and now was being shaped into a more socially accepted program of the prison system, which began with the intention of unevenly impacting minority groups. These laws that were created helped to cement the deep rooted racism that fuels the current state of disproportionate minorities being placed into the prison system, “There were reasons for concern. With slavery abolished, Mississippi was moving toward a formal-and violent-separation of the races. Deeply rooted customs were now being written into law. The state legislature had just passed the South’s first Jim Crow ordinance, prohibiting Negroes from riding in railroad coaches set aside for whites”. Although, the idea of controlling the minority population in society through a socially accepted program can be traced back to slavery in the United States which began in 1619 when the first slaves were brought to Jamestown, Virginia the idea has not disappeared. This was just the beginning of a society that has rigged our correctional system against minorities and working towards increasing prison populations through laws that target certain groups of society.

These laws during the Jim Crow Era in the South did not end with the passage of the Civil Rights Act in 1964, but again took on another appearance. The War on Drugs which began during the Nixon Administration in 1969 and was continued by Ronald Reagan into the 1980’s, worked to increase the incarceration rate in the United States by 500% between 1969 and the late 1980’s. During this time both President Nixon and Reagan helped to push through legislation that focused on low-level drug dealers in poor neighborhoods in large cities such as New York,

Chicago and Boston. The Nixon administration implemented laws and regulations that increased drug related arrests by over 155.5% during the decade, along with state prison commitments between 1980 until 1992 increased by over 1,000%. African American arrests during the “War on Drugs” made up 35% of those arrested for drug possession and made up 74% of convictions for drug possession. During this time in history, a young African American man between twenty and twenty-nine years old had a one in three chance of being in jail, on probation or parole. The Reagan Administration set up the perfect scenario in order to control the “undesired” minorities that had begun to dominate cities across the United States, by cutting social welfare programs which made people in lower economic classes desperate for money which lead to an increase in violence, petty crime, and gang violence in inner cities. This sudden rise in violence gave the Administration the social backing they needed to roll out their new drug legislation which would target these major issues in cities, and allow them to lock up a disproportionate amount of young, black men. The new enemy the Reagan Administration created frightened the public into supporting this new legislation which in turn helped to create what is now known as the “Prison Industrial Complex”. With the sudden increase in the federal prison population is created a burden on the public sector, the Federal Government looked towards private companies to fulfill the sudden need for more prisons at a lower cost. The privatization of prison had begun much earlier with food preparation, medical care and transportation being contracted by the government to private companies. The first official private prison contract was created in 1984 between the Federal Government and the Correction Corporation of America (CCA), a company that now grosses over \$2.9 billion dollars a year. This first contract between the Federal Government and CCA was just the beginning of a country that has been influenced by the

socially accepted idea that certain minority groups need to be controlled through a socially accepted program, leading to the “Prison Industrial Complex”.

According to many politicians, the “Prison Industrial Complex” was created to save federal and state governments money in their budgets by contracting with private prison companies. Research into the private prison industry has found the exact opposite, and even evidence that private prisons do not save the government any money and place prisoners in unsafe conditions which threaten their health and safety. The first private prison company was created in 1983, Corrections Corporation of America which claimed an ability to build and operate state and federal prisons with the same quality of service provided in publicly operated prisons, but at a lower cost. With the growing business of prison, another major private prison company was founded in 1987 the Wackenhut Corrections Corporation (GEO Group, Inc.) which now CCA and the GEO Group manage half of the private prison contracts in the United States. With the growth of private prisons, the population of these prisons increased by 475% between 1990 and 2010 increasing the profits of these large corporations. The main reason that the Federal Government chose to begin private contracts with prison companies was to save the government money, but research has found that there are no clear cut savings or advantages to private prisons. In a 1996 report by the U.S. General Accounting Office reported that there are no major difference in efficiency between private and public prisons, and no significant cost savings associated with private prisons. There have been many more studies that have concluded the same results, that private prisons do not save the government any significant amount of money to justify the use of private contracts. Not only have private prisons been proven to not save the government significant amounts of money, they put the health and safety of their prisons below their profits. Private prisons face a challenge of reducing costs while continuing to provide

and maintain safety in prisons, contributing to assaults occurring at double the rate in private prisons as they do in public ones, along with not providing adequate healthcare, failed to properly clean inmates cells which contribute to an unhealthy living environment, and even have denied prisoners mental health care when requested. There have been many investigations into these privately run prisons including The Walnut Grove Youth Correctional Facility in Mississippi which is under federal investigation after receiving hundreds of brutality complaints along with issues due to understaffing, violence, corruption, and a lack of proper medical care. These issues contribute to an unhealthy environment that not only threatens the safety but also the health of the prisoners in these facilities. Why are these contracts still heavily prevalent in the prison system? The answer can be found in the financial records of these private prison companies, they spend millions of dollars every year donating to political candidates campaigns, lobbying congress, and presidential candidates. The CCA spends over \$1.4 million every single year lobbying congress for them to increase the number of prisoners in their facilities, and congress does this through increasing minimum sentencing, focusing laws on poorer communities, and working to fill these prisons with the most vulnerable populations. Research has found that the CCA PAC donates \$130,000 per federal election to candidates and \$430,000 per state election to candidates. These donations help to get these candidates elected into office, and now they are in debt to the CCA and other private prison companies that expect their prisons to be full in return. These companies use their influence and donations to increase their own profits and line the pockets of political candidates. This influence spans the entirety of the congressional process, for instance the ALEC Criminal Justice Task Force which is known for drafting tough on crime proposals for congress had a member of the CCA board sitting on their board, which contributes to a massive conflict of interest. The CCA was directly influencing

policy that would directly help to fill up their private prison facilities throughout the country by increasing arrests and the number of immigrants that will be housed in CCA facilities. Even though these facilities have been found to not save the government any substantial amount of money and severely endanger the lives of the prisoners in these facilities, the government continues to create and keep contracts with private prison companies. These private prison companies are masking their inability to properly care for these prisoners by lining the pockets of political candidates, sitting Representatives and Senators, along with judges who are willing to perpetuate the income that comes into these private companies. The rate of crime is falling in this country but the rate in which people are being incarcerated is rising, because money is corrupting the system that has been broken for too long.

Fighting crime in the United States has become a booming business with hundreds of growing companies breaking into the market of private prisons. With over one hundred and thirty private prisons across the United States with one hundred and fifty-seven thousand beds, the private prison business has grown into a \$3.3 billion dollar industry yearly. These companies have created a three pronged approach to their business strategy including lobbying, direct campaign contributions, and building relationships in the private and public sector. Lobbying is indirect influence through a PAC which legally under Supreme Court ruling *Citizens United vs. FEC*, grants PACs and corporations lifted the limited donation regulations allowing them to donate as much money as they want to political candidates. Allowing PACs and other corporations to have unregulated influence into the political world, by being allowed to donate money directly to candidates with the support of the candidate once in office to support their needs. The influence and free-range these companies have created over the private prison market is unmatched, through their campaign contributions and relationships they have built they are



able to completely dictate the terms of their governmental contracts. Private prison companies have negotiated what is considered a “lock-up quota”, which requires the state or federal government depending on the contract to keep the correctional facilities full by funneling people into the prison system, even if crime rates are dropping. Which perpetuates the ever growing issue of more people in prison contributes to a higher profit margin for these private prisons, profits are at the forefront of the decision being made not the lives of the prisoners. The lock-up quotas do not just impact private prisons on the state level, but they also influence federal detention facilities, Immigration and Customs Enforcements detention budget includes a mandate from Congress that at least 34,000 immigrants remain detained on a daily basis. According to a recent report by Grassroots Leadership, this mandate has allowed private prisons to profit because they own nine of the ten largest ICE detention centers country. This mandate has a created a system that wrongly imprisons people in this country because if there are not 34,000 immigrants to detail in a day, under the contract binding by law these facilities must keep their agreement to detain that many immigrants. These mandates are not the only influences in regard to maintaining a certain population of private and federal facilities, the current President has influenced the private prison system by drastically increasing profits through his policies. The Trump Administration supports private prisons, and has contracted with GEO Group Inc. for a new detention center with a \$110 million dollar contract. The policies that have been implemented in the past four years have been created with structural incentives to increase detention center capacities and have increased the role of private prisons in detaining immigrants. Under the Trump Administration there has been 54,344 immigrants detained, a 442% increase since 2000, of these immigrants 75% of them are held in for-profit detention facilities. These companies are reaping the rewards of their donations to both President Trump’s

inaugural committee along with his election campaign, donations totaling over \$500,000.

Capitalism helps to drive these need for private prisons the idea that a free and competitive market will create the most efficient businesses for the public sector to invest in, that is why the federal government was so willing to invest in private prisons. What the Federal Government did not account for when beginning their relationship with private prison companies, was that once they transitioned the prison sector into a for-profit system they would open it up to not being able to reduce crime. A drop in the amount of people getting incarcerated would create a massive profit loss for these private prison companies, something that they would not allow to happen. Although, these companies do not out rightly state that they could be negatively affected by a drop in crime rates along with prison populations, the CCA's annual report states "The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws". These companies depend on high crime levels and increasing levels incarcerations in order to keep their profit margins high, relying on harsher sentencing policies, mandatory minimum sentencings, and legislation that targets minority communities in order to keep their prisons full. The private prison business has grown into a multi-billion dollar industry, bringing in profits of 3.3 billion dollars yearly. Two of the most influential companies, GEO Group and CCA, own over half of the private prison contracts with both state and the Federal Government. This combination of high profit margins and influential donations to members of congress along with state legislatures, the for-profit prison system has become a massive business that benefits from harsher sentencing for crimes and increased immigration detention. An un-ending cycle of

influencing policy, increasing the prison population all in an effort to increase the profits for private prison companies at the expense of the health and safety of the prisoners in this country.

The “Prison Industrial Complex” has become a threat to the health and safety of the prisoners in these facilities along with unfairly influencing political agendas that will increase prison populations by taking advantage of under privileged communities. In the United States, out of every 100,000 citizens 655 of those people are currently incarcerated in a private or federal prison. Not only does the United States have the highest rate of incarceration in the world, it has the highest total number of prisoners as of 2020 with 2.1 million people in prison. Out of these 2.1 million people imprisoned, 34% of them are African American even though that demographic only makes up 13% of the entire United States population. Issues surrounding the privatization of the prison system began to come to light in the late 1990’s and into the 2000’s surrounding the conditions in these prisons, but these issues did not begin in with the privatization of the prison system. These issues date back to the beginning of society, with the expansion of slavery throughout the United States and eventually the creation of Jim Crow laws to replace the control the white population had over African Americans especially in the south. This system has always unfairly burdened minority and underprivileged communities because they are easy targets, they most at risk to be abused by the system. The system that the private prison companies have helped to create does not care about the prisoners, the legislations they are pushing through congress, or the corrupt politicians that they are donating too, Yet, they care about their profit margins while men and women are being assaulted, are dying, are not receiving the medical treatment they so desperately need in their own prison facilities. The government of the united states has allowed this abused to happen; they have even encouraged it with our current president taking donations from these companies as well as helping to pass policy that

benefits these companies. Marc Maurer wrote “We have embarked on a great social experiment, no other society in human history has ever imprisoned so many of its own citizens”, this social experiment has been impacting society by creating a system that believes more in their own profits than protecting and rehabilitating the prisoners that are placed in their facilities. This great social experiment has failed, and the time has come to reevaluate and address the major issues facing the private prison system.

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