

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/the-end-of-federal-private-prisons-is-a-big-step-towards-reimagining-criminal-justice>

Public Facing Advocacy Writing

The United States incarcerated population stands at [more than 2.2 million](#). Nearly 1.6 million Americans are behind prison bars [only 22,000 of whom](#) reside in privately managed federal facilities. So why are there headlines about Thursday's Department of Justice (DOJ) memorandum, which announced that the Federal Bureau of Prisons should begin the process of reducing and ultimately ending its use of privately operated prisons? The directive, after all, affects only 1 percent of the U.S. incarcerated population.

The memo's importance lies in its rationale. As Deputy Attorney General Sally Yates [writes](#), private prisons simply do not provide the same level of correctional services, programs, and resources [as Bureau facilities]; they do not save substantially on costs; and as noted in [a recent report](#) by the Department's Office of Inspector General, they do not maintain the same level of safety and security.

A crucial caveat: data on the comparative efficiency of public and private prisons [remains scarce](#) despite 30 years of debate on the issue. It is not necessarily the case that private prisons are of inferior quality to, or more expensive than, state-operated facilities across the board. And given [the most recent statistics](#), which show that more than 91,000 people are housed in private prisons at the state level, it would be a mistake to laud Thursday's decision as evidence of the encroaching demise of private prison.

Instead, what should be celebrated is that the DOJ is explicitly emphasizing safety and opportunity. Fred Patrick, director of Vera's Center on Sentencing and Corrections, said, "The significance of the Department of Justice memo is that it highlights concerns around safety, quality of programming, and transparency, which comes up in the Inspector General's report. These are all core values that are crucial when it comes to corrections reform."

Reflection on values raises an essential inquiry about the role of prison in our society. Questions of efficacy aside, there is a profound unease at the heart of prison privatization. Justice is fundamentally an exercise in the righting of wrong. Accordingly, the justice system traffics in human punishment: its burden to consign men and women to months and years behind bars. Hence is Lady Justice blind: her motives can be none other than dedication to fairness and equality in the face of the law.

But commoditization of justice risks perversion of justice's scales. The [kids for cash scandal](#), which saw a pair of Pennsylvania judges accept \$2.6 million from the owner of two private facilities in exchange for imposing harsh penalties on juvenile offenders, is but one example of the warped incentives inherent in privatization. Through lobbying, campaign contributions, and network building, the Justice Policy Institute [reports](#), the private prison industry actively works towards more stringent policies and longer prison sentences. Human freedom is traded away for power and profit.

It was with considerations like these in mind—safety, opportunity, motivation—that Vera launched a new initiative: [Reimagining Prison](#). Its aim is to chart out a bolder, braver vision for criminal justice in the United States—one that seeks to answer the question of how best the incarceration system can serve people who are incarcerated, corrections staff, and communities alike.

Reimagining Prison recognizes that human dignity has to be at the philosophical and operational core of any new vision. The promise of jails and prisons must be security, physically and mentally, for both staff and those detained. We need to also remember that correctional facilities are not outside society: they are as much a part of their communities as schools and courtrooms. The effects of incarceration bleed through into the lives of family and friends; the effect of abuse and assault does not remain trapped behind prison walls.

As the chorus in support of criminal justice reform grows ever louder, gaining in bipartisan fervor, we cannot set out uncertain of our destination. There are few concepts more nebulous than reform: it is easy to declare oneself an advocate for change, much harder to identify a coherent, achievable set of goals and outcomes. But we believe that through collective engagement and national discourse, we as a country will be able to properly examine the purpose, goal, and outcomes of incarceration, and ultimately effect change.

Thursday's announcement shows that we are moving in the right direction, as did last month's launch of the [Second Chance Pell Pilot initiative](#), which will allow eligible people who are incarcerated to [pursue college education](#). The DOJ's decision to cut back on use of private prisons has provoked exactly the kind of debate and contemplation necessary to reshape and reimagine the criminal justice system. It shows that the federal government is prioritizing a safe, effective incarceration system. And it has cast a spotlight on a deeply flawed institution, the private prison, whose commitment to profit has little place in the quest for justice.

We have a long, challenging road ahead of us. But the time for criminal justice reform is now, and it is clear that we are already making progress.

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