

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/08/12/outourcing-punishment-and-the-privatization-of-justice/>

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by [Jean Casella and James Ridgeway](#) | August 12, 2010

It's common knowledge, at this point, that the move toward private prisons has made conditions in the American corrections system even more dismal than it was before, as private contractors cut costs and services in order to maximize profits. But even more than this, outsourcing punishment to the private sector constitutes a privatization of justice itself. That's the point made in a new article by Arizona State University law professor Mary Sigler, called [Private Prisons, Public Functions, and the Meaning Punishment](#) (*Florida State University Law Review*, Vol. 38, No. 1, 2010, available for free download), which was discussed this past weekend on the [Sentencing Law and Policy blog](#).

In her article, Sigler begins by reviewing the usual objections to the private prison boom that began in the 1980s:

[I]n order to turn a profit, private prison operators skimp on personnel training and staffing; offer only minimal educational programming and vocational training; and save space by housing inmates in cramped quarters. In addition, public accountability for prison conditions is undermined to the extent that public officials must rely on reports of abuse and mistreatment from within the private prisons themselves. Finally, the profit motive creates perverse incentives to extend inmate sentences and promote criminal justice policies that yield more and longer prison sentences regardless of whether they are in the public interest.

She then goes on to argue that private prisons also undermine what are supposed to be core tenets of American justice:

While these important policy considerations may be reason enough to worry about the proliferation of private prisons around the world, this paper defends the position that an even more basic consideration concerns the nature and justification of legitimate punishment. In a liberal democratic polity, punishment is an inherently public function. It is inflicted for public wrongs in the name of the people themselves. Outsourcing punishment to nonpublic agents thus represents the abdication of a core state responsibility.

In a system where the primary purpose of prison is retribution, Sigler writes, punishment constitutes justice. By privatizing prison, state and federal governments are treating justice as a mere commodity. The public is effectively delegating to private corporations a momentous social task: depriving other human beings of their liberty on a daily basis.

As [we've written before](#), there's an angle to all this that has to do with solitary confinement, which has become the primary means of discipline within prisons and jails. Every day, inmates in prisons and jails across the country are punished for breaking prison rules, and that punishment often consists of placement in solitary confinement, denial of parole, or effective extension of their prison terms. Even for individuals who are already in prison, this represents an additional deprivation of liberty.

In meting out these punishments, prison officials often serve as prosecutors, judges, and juries. In the case of private prisons, what this means is that employees of private corporations are depriving individuals of their freedom without due process of law. American men, women, and (yes) children are being placed in lockdown on the say-so of people who work *not* for any publicly elected government, but for Wackenhut, the Cornell Companies, or the Corrections Corporation of America.

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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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you know your right as to the madness of this like where they getting the prison to like ok we get less cos we use less you think i beting they make more somehow you know how right they are big workshops you should read book prison inc was a good read lol love the end to it to siad the same to my old school that he did bout the prison in the end on bus lol it is a grate look into prisons for cash really what can i say i have a lot of books on prison cant get to meny

Even for individuals who are already in prison, [solitary confinement] represents an additional deprivation of liberty.

Another aspect of this privatization of punishment using solitary confinement is the FBI's propensity to use social extermination to do the same thing to law-abiding citizens, which grew out of the development of so-called mind control technologies in the 1950s, principally, MK-Ultra.

The FBI has used MK-Ultra on American dissidents since the 1960s even before 1981, when Reagan legalized the practice (ever wonder why all the so-called peace groups in America never managed to ward off or stop any of our so-called wars? MK-Ultra principally, the snitch jacket was used against legitimate activists by agents who infiltrated not the rank and file of these organizations, but their leadership). MK-Ultra today includes so much more than merely damaging the influence of legitimate activists within activist groups; it now extends to regular denial of all first amendment rights. Security of person and possessions, total freedom of association (which is limited with slander campaigns that go far beyond blacklisting from employment), even the right to speak out is punished with physical torture and restraint by so-called less-than-lethal weapons including brain scrambling microwave guns and more, are all standard operating procedure in our closed American society today and your local police force, thanks to Bill Clinton, participates in these torture, terrorism and isolation programs against millions of people.

This country is exactly like the Soviet Union now and worse.

Do you see a connection between these articles?

County With Highest Sentencing Rate

Kern County, in California's central valley, is known for agriculture, oil wells and country music. In legal circles, it's also known as the county with the highest rate of prosecuting and sentencing people under the three strikes law.

<http://www.npr.org/templates/story/story.php?storyId=114277240>

With North Kern State Prison and Kern Valley Prison, which is located one mile away and houses close to 4,800 inmates, Kern County has one of the largest prison populations of any county in America.

http://en.wikipedia.org/wiki/North_Kern_State_Prison

If not maybe this will help clear things up.

Judges Plead Guilty in Scheme to Jail Youths for Profit

<http://www.nytimes.com/2009/02/13/us/13judge.html>

Judge Guilty in Kickbacks Is Accused of Fixing Suit

A Pennsylvania judge who pleaded guilty last week to taking part in a kickback scheme has been accused by a Wilkes-Barre newspaper of fixing an unrelated defamation case in which he ordered the paper to pay \$3.5 million.

<http://www.nytimes.com/2009/02/21/us/21judge.html>

Unfortunately our system requires a well informed society to counter balance this self-serving group of investors.

The article that you quote from titled Private Prisons, Public Functions, and the Meaning Punishment states;

Central to punishment, however, is the relationship between punisher and punished, for it transforms otherwise socially objectionable

conduct such as the deprivation of liberty into a legitimate instrument of social control. Accordingly, the institution of punishment must be, and must be seen to be, the work of public agents.

Which means prison is no longer a public service or legitimate instrument of social control now its a business! I have found that, contrary to what I had believed before beginning my research on the penal system many people know the truth.

For example here are some excerpts from a few articles that I had sitting around:

Corrections Corporation of America (CCA), the nations largest provider of corrections management services to government agencies, announced today its financial results for the third quarter and nine-month period ended September 30, 2009.

General and administrative expenses for the third quarter of 2009 include a \$1.5 million (golden parachute) severance benefit for a former chief executive officer.

Commenting on the financial results, Chief Executive Officer, Damon Hininger stated, We are pleased with our third quarter financial results. Once again, we were able to generate earnings ahead of expectations, and despite a challenging environment we remain optimistic about our long-term outlook.

<http://money.cnn.com/news/newsfeeds/articles/marketwire/0555368.htm>

This profit angle has major negative affects on prisoners safety as seen by the results at Otter Creek Prison in Kentucky which is still under investigation do to wide spread rape allegations in which female inmates claim they were raped by male COs. One possible reason is that by paying their guards so little they attract unqualified applicants with poor training. Here is a quote on this.

At the CCA run facility, Otter Creek, a womens prison, the starting pay is \$8.25 an hour while the state of Kentucky pays \$19.17 an hour.

Thus it is not only the inmates that have been getting raped there.

But it is also has a public safety issue as seen by the recent escape of the three inmates from a for profit AZ prison. One of the three a convicted murderers is still on the run along with his girl friend.

Here is just a few example of how wide spread this has become.

http://realcostofprisons.org/blog/archives/2009/08/at_the_state_wo.html

CA to send 1,300 prisoners to CCA Prison in OK

CCA houses 7,900 California inmates in its facilities in various states.

IA: Possible layoffs unsettle prison guards and workers

3 part NPR series on CA three-strikes including interview with Sue Reams, time-line and graphs, etc.

<http://www.npr.org/templates/story/story.php?storyId=114277240>

Missouri Department of Corrections calls prison population boom no problem

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