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NM Corrections Secretary Refusing To Penalize Contract-Breaching Private Prison Company He Used To Work For

By [Zaid Jilani](#) on Sep 7th, 2010 at 5:02 pm

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Joe Williams

The escape of three detainees from a privately-run prison in Arizona last month “[put the spotlight](#) on...private prisons,” as critics of prison privatization pointed to the “lax oversight” of the private prison system as one reason the inmates were able to so easily break out of their facilities.

Now, the New Mexico Independent (NMI) reports that neighboring state New Mexico is experiencing similar lax oversight as “the New Mexico Corrections Department has not collected penalties from two private prison operators despite repeated contract violations, costing the state [potentially millions of dollars](#) in uncollected fines.” The two prison operators in question, GEO Group, and Corrections Corporation of America (CCA), have been found to be understaffing the prisons they operate, not meeting contractual obligations.

In an interview with NMI, New Mexico Corrections Secretary Joe Williams “acknowledged that the vacancy rates at the prisons GEO and CCA operate often are higher than their contracts allow,” but said he “decided against punishing the firms because the prisons they manage ‘are outstanding.’” He explained that the prisons’ contract doesn’t say that he “shall” fine the companies for violating the terms of the agreement, but rather that he “can”:

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potentially millions of dollars in uncollected fines, state officials have told The Independent. [...]

Williams acknowledged that the vacancy rates at the prisons GEO and CCA operate often are higher than their contracts allow, but he decided against punishing the firms because the prisons they manage “are outstanding,” he said. “They are not having escapes; there are no substantial problems. If there were a problem I would be down there penalizing them,” he said. [...]

“The contract does not say I shall do it. The contract says I can do it,” Williams told The Independent.

In choosing not to penalize the GEO and CCA prisons for understaffing their facilities, Williams is far from an impartial arbiter. As his biography page on the New Mexico Corrections Department website boasts, in 1999, the “Geo Group, Inc. (formerly known as Wackenhut) hired Joe as the warden for the Lea County Correctional Facility, and charged him with turning around the troubled prison in Hobbs, New Mexico. The facility eventually became a flagship prison. Agreeing to serve as its warden proved to be the right move, both professionally and personally. In fact, Joe liked the city of Hobbs so much, he named his beloved basset hound Sir Hobbs.” It adds that Williams’ experience at GEO gave him “rare insight into the world of private corrections” and made him an “ideal candidate for the job he now holds.” The biography notes that the state’s incarceration system is “44 percent privatized, and [leads the nation in prison privatization](#).”

The Governor’s website notes that Williams is “the [first private sector Warden ever](#) to be selected to head a state correctional system in the nation.” It now appears that Williams still has some loyalty to his former employer, and in refusing to penalize GEO for its clear violation of its contract, is exhibiting a clear conflict of interest.

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