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[Hernando jail transfer the latest point of controversy for Florida's private prison industry](#)

By [Bianca Fortis](#) 9/14/10 2:26 PM

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In the last few decades, private prisons, which now house about 9 percent of the inmate population in the U.S., have grown steadily in number — but so has criticism of an industry that makes its profits from the rehabilitation of criminals.

Until 12:01 a.m. on Aug. 27, the Corrections Corporation of America was responsible for overseeing operations at the Hernando County Jail. CCA, the largest private detention and correctional facilities company in the U.S., had been running the jail for 22 years.

In March, Hernando County Sheriff Rich Nugent proposed that his department take over jail operations in an effort to curb costs for the county. In April, however, CCA submitted a letter to the county stating that the company had decided to opt out of the remainder of its \$10.8 million contract.

After inspecting the jail, the sheriff found that CCA had not properly maintained the conditions there.

County Administrator David Hamilton says an independent engineering firm is investigating the facility to determine whether CCA or the county should be held responsible for the lack of maintenance. The county is withholding its final payment to CCA until causality is determined, he says.

Hamilton is confident that the sheriff's office will be able to run the jail more efficiently — and more economically — than CCA.

He says the per-diem system by which Hernando paid CCA indirectly encouraged keeping inmates in the jail as long as possible. The money the county was paying CCA has now been transferred to the sheriff's budget, but his office will make no profit from running the jail. Whatever money is left over will be returned to the county.

"It's to [the sheriff's] benefit to ensure that people stay there as little as possible because they are literally eating their way into his overhead," Hamilton says.

The for-profit incarceration industry has long incited controversy, and CCA has found itself in the middle of it. From allegations of inmate deaths stemming from [inadequate health care](#) to guards providing [illegal drugs](#) to inmates, CCA has been no stranger to negative publicity in its 27-year history.

Hernando, too, has had its fair share of problems with CCA. In 1999, an investigation determined that 44 percent of guards at the jail did not have [state certification](#). In 2000, the jail earned American Correctional Association [accreditation](#), despite failing to meet six of the ACA's standards. And there have been [several inmate escapes](#).

According to [its website](#), CCA manages more than 60 facilities in 19 states and Washington, D.C. Six of those facilities are located in Florida. The only states with more CCA-run correctional centers are Texas, which has 12, and Tennessee, which has seven.

CCA is the largest private incarceration company in the U.S., with the Florida-based GEO Group Inc. in second place. [The GEO Group](#) operates 119 facilities worldwide, including Guantánamo Bay and two sites in Florida. It is headquartered in Boca Raton.

Private companies' success in Florida is no coincidence: Florida has one of the highest inmate populations in the country. According to a [report](#) published in April by the Pew Center on the States, Florida had 103,915 inmates as of Jan. 1. Texas and California are the only two states with more inmates — 171,249 and 169,413, respectively.

Jo Ellyn Rackleff, a public information specialist at the Florida Department of Corrections, said she could not speculate as to what factors might contribute to the high inmate population in Florida, but said it may be because Florida has serious sentences for crimes committed within the state, such as the [Truth-in-Sentencing Law](#), which requires inmates to serve 85 percent of their sentences.

The Truth-in-Sentencing legislation, which has been passed in several states, was [inspired](#) by the American Legislative Exchange Council, a conservative think tank. [ALEC](#) sponsors task forces that write and approve congressional bills, including those that impose tougher sentencing laws.

CCA's involvement with ALEC has been another source of controversy for the company. CCA had been a corporate member of the council and co-chaired the organization's [Criminal Justice Task Force](#) in the 1990s. Currently, Laurie Shanblum, CCA's senior director of business development, [sits](#) on the Private Sector Executive Committee of the Public Safety and Elections task force.

There is other evidence that CCA has tried to influence public policy by contributing to campaigns at both the state and federal level, as well as forging close ties to government entities.

According to the National Institute on Money in State Politics, CCA [has given](#) a total of \$1.5 million in political contributions from 2003 to 2010. Of that, 61.98 percent went to Republicans and 26.86 percent to Democrats. Florida has received \$373,000 of CCA's political contributions. The only state to receive more money is California, with \$381,750.

Both CCA and The GEO Group came under scrutiny in Florida during the mid-2000s when the Department of Management Services [alleged](#) (.pdf) that the now-defunct Correctional Privatization Commission had overpaid the companies by a total of \$12.7 million.

CCA has also been successful in recruiting former government employees to work at the company. Most notable is J. Michael Quinlan, a former [director of the Federal Bureau of Prisons](#), who currently [serves](#) as a CCA senior vice president.

CCA is aware of the controversy surrounding the industry.

“Opponents of public-private partnerships often resort to scare tactics, innuendo and character assassination in order to try to prevent partnerships,” Steve Owen, CCA’s director of marketing and communications, writes in an email. “These campaigns are often fueled by big labor unions or ideology.”

Despite criticism, CCA maintains that its partnership with government agencies is worthwhile.

“Given tightening budgets and limited resources during these challenging economic times, legislators and other officials are increasingly turning to correctional partnerships, enabling them to protect critical priorities like education and health care while delivering safe, quality correctional and rehabilitation services,” Owen writes.

This year the Florida Correctional Privatization Commission, the Florida Department of Corrections and the Florida State University School of Criminology and Criminal Justice collaborated on a [study](#) to determine whether private- or public-run prisons had lower rates of recidivism, the rate at which inmates are reincarcerated. According to the study, “in only one of thirty-six comparisons was there evidence that private prisons were more effective than public prisons in terms of reducing recidivism.”

The Bureau of Private Prison Monitoring within the Florida Department of Management Services is responsible for overseeing privately operated Florida prisons. The bureau can only enter into a contract if it determines that doing so will result in a 7-percent savings. This would indicate that private prisons indeed do save money, but the available research on the subject is contradictory.

A 2008 [study](#) by the Vanderbilt University Law School concluded that states with both public and private facilities had lower rates of growth in the cost of housing, enabling the states to save money over a period of time.

However, a policy [brief](#) (.pdf) published by the Florida Center for Fiscal and Economic Policy in April found that Florida does not benefit from private companies in terms of cost or rehabilitation for inmates.

As the Hernando County Sheriff takes control of operations at its jail from CCA, many are watching closely. The county’s success or failure could have major consequences for one of the state’s few booming industries.

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