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**SPEAKERS**

Andrea Montes, Jenn Tostlebe, Jose Sanchez

**Jose Sanchez** 00:00

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**Jenn Tostlebe** 00:36

Hi everyone, I'm Jose Sanchez and I'm Jenn Tostlebe. We are the hosts of The Criminology Academy podcast where we are criminally academic. Today we have Professor Andrea Montes on the podcast to talk with us about the privatization of prisons. Andrea Montes received her PhD from Florida State University, and is currently an assistant professor at Arizona State University's School of Criminology and Criminal Justice, and the Associate Director for the Center of public criminology. Her work has appeared in several several journals, including Justice Quarterly, Crime and Delinquency, Criminology and Public Policy, and Criminal Justice and Behavior, much of her work centers on theories of crime and punishment, crime prevention in school safety in the privatization of corrections. Thank you so much for joining us, Andrea, it's great to have you.

**Andrea Montes** 01:27

Thank you so much. And I know you're editing editing this two minutes, just say this now, I'm no longer the Associate Director of the Center. I forgot that that was in there. But ended that position about a month or six weeks ago.

**Jenn Tostlebe** 01:43

Okay. fairly recent, though. Yeah, that's right. Well, what take care of that. Okay, so, brief overview of what this episode is going to look like. First, we're going to talk generally about the privatization of corrections. Then we're going to discuss an article that was authored by Andrea. And finally, we're going to touch on the conditions of confinement, and some of a little more recent work that Andrea has done, and that work, or in that area. So, we're going to kick off in very typical Criminology Academy of fashion and ask a broad question that's probably broader than it should be. But that's how we roll here. And can you give us some historical context on the privatization of the prison system? Basically, when did we start seeing it creep up and start sort of gaining popularity?

**Andrea Montes** 02:48

Sure, yeah. So um, we have a pretty long history in our country of privatization and privatized corrections, really tracing back to, before we had our independence. But if we think about private prisons, private confinement, I mean, you can go into the 1800s, San Quentin Prison, for example, opened as a private facility operated by local business people. When we think about private prisons, how we know them and their contemporary sense, that really started in like the 1980s, or so as we saw sentencing laws change, more people were being confined to being sentenced to prison, we saw private businesses sort of enter the market of present and sort of really increase increased in their presence and in their, in how the public, the public being aware of privatization and the role of private industry in the operation of prisons. So it's really the 1980s. And then we see it now, we obviously talked a lot about it. Now in the public forum, we hear it frequently in debates among people running for office up to, you know, up to the highest office of President of the United States. So people are much more aware of it now. And it's I think, right now, it's about 8% of our state and federal prison population is, is privatized or people that are housed in a privately operated facility.

**Jenn Tostlebe** 04:19

So if this came about in like the 1980s, was it primarily due to the increase in in the prison population and just needing more facilities?

**Andrea Montes** 04:29

I think that was part of it. I don't think that there's sort of one thing, necessarily that you can point to, but certainly the the need for more facilities. Public prisons were severely overcrowded in many jurisdictions, and public entities couldn't necessarily build prisons fast enough. So, private industry, people sort of enter the market and say, well, we can do that. And started bidding for some of these, to operate some of these facilities, so certainly that was one thing. But some of the things you can look at a lot of the complaints that were around at that time also about public prisons and conditions of confinement. And so I think people were also looking for an alternative. Public sentiment was in favor of that at the time, there may be other times in history where that might not have. So, I think there were several things sort of happened around the same time that allowed for, for private prisons to enter the market.

**Jenn Tostlebe** 05:30

And so what are some of the key differences then between a state run facility in a private prison thinking more today?

**Andrea Montes** 05:38

Yes. So I think when people think about public and private prisons, what they're thinking about really is who's operating it. So is the war, are the warden and the correctional officers employed by a private company? Are they employed by a government jurisdiction? In reality, it's a lot more than that. There are, there's really, I think, a spectrum of privatization. So a lot of publicly run prisons and thinking about publicly run being the correctional officers and warden are employed by a government agency, they might have private health care, private food services, private substance abuse treatment. And the same with a privately operated prison, they might have privately employed correctional officers and warden, but they might have a public employee who's there as a monitor on site and is involved in some decision making, they might have publicly run education services. So there's really is the spectrum of privatization. But when we think about it, is when the public thinks about it, it's who's that operator and quite frankly, when we think about it in terms of research, and how we sort of, say, what's a private prison, what's a public prison, we are thinking also about those operators.

**Jenn Tostlebe** 07:05

Did you have something else ask? No. Can you talk to us a little bit about some of the controversies that surround private prisons seems to not be as prevalent in the news right now. But there are moments where it seems like something happened and there's like backlash against privatization. So, can you tell us a little bit more about that?

**Andrea Montes** 07:30

I think the debates about privatization sort of fall under two umbrellas. And one umbrella is beliefs about whether private whether prison, you know, the administration of prison, or punishment should be privatized. And those typically centered around the for profit nature of prisons, should profit be made off of the punishment of individuals. So there are these ethical and ideological differences. Sort of on one side, you have folks who believe it's the legal obligation of the government to administer punishment, and the private industry shouldn't be involved with that. And then especially in a for profit industries, who have sort of a motive to make sure people return would be the argument. On the other side, you have people who argue that it's actually it's unethical to not consider this alternative that might save taxpayer dollars if they can provide a comparable service. So, you have this sort of ideological ethical debate, the other umbrella's about the quality of service and the end outcomes. So, can, questions about can private industry really provide a service that's, and by service, I mean, with supervision, treating people humanely achieving outcomes that we're interested in, like, you know, recidivism is one we talk about most, but you know, and then, you know, ideally, we would also be considering all sorts of other things like employment, housing, security, family reunification, and, you know, on and on other outcomes that we're interested in. But can they really do these things in the same level of quality and achieve the same outcomes that public can? So, I think it's those are sort of the debates people have. This, as far as research goes, the research really falls into that second umbrella comparisons of things like recidivism, comparisons of things like quality and and comparison and cost efficiency. I think yeah, so those are so those are the two I think umbrellas of debates people have about privatization. I think it's really it's really tough too. I mean, one, we sell a lot of questions from, you know, evidence perspective. But it really, people have really strong feelings about the for profit nature of prisons. And so it's from a policy perspective, I think so. Want to reconcile, especially in a scenario like this, where there's not necessarily clear evidence about how public and private compare, and there's not a clear evidence? It's not like the alternative to private prisons is public prisons. And we know that there are a lot of issues and how public prisons operate, and the outcomes that they achieved as well. So that all those things make the debate really rest on I think, ideological beliefs and a lot more than it does on scientific evidence.

**Jenn Tostlebe** 10:29

Yeah, I was gonna say pretty much everyone that I talked to you like in the public, it's all about the, you know, the non or the for profit nature, and whether or not that should be part of it.

**Andrea Montes** 10:40

And it's really interesting, I think people think about privatization as for profit. But the reality is, privatization also includes nonprofit. And so you know, sometimes I get these conversations with folks. And if I'm feeling a little edgy, I might ask him, well, what if the prisons were nonprofit, and some people squirm a little bit, and they're still not so sure about it. And some people feel a little bit better about that. But just like for profit, you know, and thinking more broadly, and, you know, across corrections, not just on presents, just like for profits and nonprofits have issues. As for profits, and government entities have issues? So do nonprofit, so they're not necessarily excluded from those same concerns we have. Right.

**Jenn Tostlebe** 11:25

Right. So and you talked about this a little bit, but so we feel like most people have heard of privatization when it comes to prisons. But have we seen privatization occur in other areas of correction?

**Andrea Montes** 11:45

Yeah, I honestly, I think that privatization occurs in almost all aspects of corrections. There, there may be a few exclusions, I can't think of any examples for, you know, in, you know, administering in like death penalty cases or for, for example, but when you think about confinement, jails are private, not just prisons, when you think about community corrections, some jurisdictions have private probation officers, many of the folks who are on probation or parole or, you know, court assigned to different types of services, whether it's drug treatment, or education, jobs, a lot of those are operated by private entities. If we think about youth, juvenile confinement facilities are private in many jurisdictions. So yeah, so privatization really exists across almost all aspects of, of corrections. And many acts, aspects of criminal justice more broadly, the one that always sort of blows my mind and sort of blows people's mind, the most when I bring it up, is some jurisdictions have private public defenders. So the public defenders actually a private, you know, contracted attorney. You know, and then you could go into the conversation about fees, some of those are not actually free there. Are there are fees associated with that private fine collection. That's sort of the topic that got me into privatization to start with. So, yeah, so privatization really exists across almost all aspects of corrections. And so and, and long before prisons were privatized, or privatized in the way that we think about them contemporarily.

**Jenn Tostlebe** 13:24

I don't know if you'll have an answer to this. But just thinking about that question. I feel like pretty much every conversation I always hear about when it comes to privatization centers around prisons. Do you know why people don't really talk about these other aspects? Or am I just like, out of the loop? And they are talking about it and I just don't know,

**Andrea Montes** 13:42

I don't know, I don't think you're out of the loop. I don't think, one, I don't know that people know, necessarily. Even I did a study where I interviewed several people who worked in corrections, some in public and some in private, a lot of them not around prisons. And I would ask them, you know, when the first question I asked them is, what do you think about what do you think about private corrections? And almost all of them would say prisons, even though they might work in some other areas and fields, so even, you know, it's very prevalent. That sort of thinking is very prevalent. I don't know, I speculate that one of the reasons is because prisons you can see them like right, there's like a facility people are familiar, you drive down the highway, you see signs about, you know, a prison. It's a little bit harder to see like, probation room, it's a little bit harder to see those sorts of things. I also think just like the severity of a prison sentence, and our you know, the last you know, few decades that conversation about mass incarceration has brought a lot of tension to prisons. And so it feels more severe. So, people are caught up on that more or know about that more. And yeah, and I think the severity of it, people just thinking about prisons, people think about and the for profit nature, you know, a lot of the organizations that are doing like private drug treatment, for example, people feel differently about that because it feels like a service that you're in or assistance or help or support. Whereas prisons feel just really, as a punishment, and so people think about that differently. So, what I think people will maybe don't necessarily know, but I also think just like the feelings around prison, are different than some of the other correctional punishments.

**Jenn Tostlebe** 14:55

Yeah. That makes sense. Yeah. Okay, so talking as we're talking to you, someone who does research in this area? I know working in corrections, it's difficult to get access to prisons in general, how difficult is it to conduct research on private prisons?

**Andrea Montes** 15:51

Yeah, it's really complicated. Well, one, you know, there's, there's not a whole lot of cases of someone being, you know, sort of inside a private present. And in conducting research in that way, there's, you know, one of the most prominent examples I could have about it, like sort of a case study, if you will, is Shane Bauer's work he was a journalist who actually sort of went undercover as a correctional officer at a private facility. What we see mostly in the research is people who have administrative data, and they're sort of able to pinpoint people who have spent time housed in a private facility. It's still at that point really complicated because people move prisons, people don't aren't assigned one prison at the beginning of their sentence, and then they just stay there. And so if you're comparing recidivism, for example, and people spent some time in a public prison or some time in a private prison, you sort of have to figure out a way to pinpoint the cause of that, you know, recidivism event. And there's not necessarily a good way to do that. Or we haven't come up with a great way to do it in. So, that makes it really complicated. And even when we can pinpoint that we don't necessarily know all the things that happen in public, or all the things that happened in their private experience. I don't know if we'll ever truly be able to identify like the privatization effect. Without with the transfer, just pointed, the transfer, there are other, you know, there are other things that make it complicated, but the fact that people move prisons, so frequently, make it really complicated. I don't really know how you move past that to identify the privatization effect.

**Jenn Tostlebe** 15:54

Yeah. Yeah, I hadn't even thought about the transfer aspect, let alone just trying to get access to a private prison.

**Andrea Montes** 17:42

Yeah, that's the other thing. So I can never get past the transfers when I'm thinking about it. And then administrative data does have there are things that private prisons are required to report back to the Department of Corrections. But there are things they may not be required to. And so there are, you know, one of the criticisms about private prisons is lack of transparency. And so, there is sometimes just less known about private prisons, because they're not necessarily reporting everything back to the public facility. And, and so yeah, so that's certainly a second layer that makes it challenging to identify that privatization effect.

**Jose Sanchez** 18:27

So, we've talked a little bit about, like, the controversies surrounding private prisons. But given that, or how prevalent are they still has it? How have they changed over time?

**Andrea Montes** 18:41

Yeah, in sort of the last Bureau of Justice Statistics reporting, showed that there are about 8% of people in state and federal facilities were housed in private facilities. So, and it's sort of the last few years have sort of hovered around that a little bit more, a little bit less. The 8% was actually a slight decrease from the prior year. But it's sort of been around that. But you see a lot more when you focus in on different jurisdictions that way, that's where you start seeing variation. So California, for example, has no, no one, in California is housed in a private facility. If you look at other states, like New Mexico, which is where I grew up, they house almost half I think it's like 45%, or something like that almost half of their population is housed in a private facility. So, you see a lot more variation and prevalence, your jurisdiction by jurisdiction.

**Jose Sanchez** 19:37

Yeah, and then I was also thinking because I've seen where some states don't have any private prisons, but though send people out to a private prison in another state. So, is it it just kind of so I've, I feel like that was the case here in Colorado, and it's in for like a while. They're like, Yeah, we're good. Getting rid of private prisons because, you know, the bad people shouldn't be profiting. But then they were just sending people to Utah to use their private prison (Correction: It's the other way around, Utah to Colorado).

**Andrea Montes** 20:09

Yeah. So, that that's another layer of complication and figuring out, like who's in public and private? And then from a public policy perspective, what does it mean to have someone in a private facility? I think California, for example, did have people at least, you know, a few years ago out side of California in a private facility, but they've sent I think, this number, this zero number, does represent not having anyone on, you know, in who's been sentenced, you know, in California in a private facility anywhere. There's also the layer of some people actually contract with local jails to house part of their prison population. And so, you know, local jails might might be operated locally, by a sheriff's department or something, but also they can be operated privately. So if, you know, Colorado, since has a contract with a local jail to house individuals, is that considered private or not? Still contracted, you know, relationship? So that's another layer sort of a complication in that way. Or if Colorado contracts with another state, is that considered a private relationship? And so there are a lot of layers, I think, to figuring out what exactly do we mean by private and my guess is, you know, if we polled people, you know, people would have different views of what, what's considered private.

**Jenn Tostlebe** 21:34

Tricky topic here. I knew it was tricky, but I didn't realize just how many like layers there were to this. Alright, so let's move then into our second part of the episode, which is your article. It was authored by our guest, Andrea and her colleagues, Dan Mears and Josh Cochran. It's called the privatization debate, a conceptual framework for improving public and private corrections. It was published in the Journal of Contemporary Criminal Justice in 2016. To provide a little bit of a summary here. In this article, Andrea and her co-authors wanted to establish the relevance of privatized corrections. While simultaneously highlighting the research in this area that was lacking. They offered a framework through which research on privatize and public correction should be studied. The framework consists of seven, seven different dimensions, the extent of need, the amount and quality of services, impacts on outcomes, both intended and unintended, cost efficiency, development of innovative solutions, impacts on social control and ethical considerations. In some instances, the dimensions are directly connected to other dimensions. So, overlap here. Is that a good summary of your article? Yeah, I told you this was a while ago, so I'm glad you reminded me. Yes. I'm glad you're here to help there. So, our first question for you then is just what was the motivation behind writing this article?

**Andrea Montes** 23:10

Um, so I was working, I was in grad school at the time, I was working with Dan Mears. And we came across a New Yorker article that was about privatized fine collection. And it talked about folks who had these, you know, a court ordered punishment fine, of, I'm just making up numbers, but $500, let's say, and then the on top of their fine, the court had fees for this, and that and the other, and suddenly, it was, you know, $750. Well, then, you know, if a person couldn't pay that $750 on their court day, they would have to enter into a payment plan, which had another fee. And it was a privatized, fine collection company that was collecting. So, that company, charged interest every month, charged them to be on a payment plan, charged late fees, you know, all these sorts of things. And suddenly, you found some, you know, people would find themselves having Oh, you know, having this $500 fine. And suddenly they're in 1000s of dollars and it's a sort of the cycle of debt, and it was sort of a it was astonishing to us, we and I hadn't really heard of privatized fine collection. You know, to your point earlier, I knew about private prisons, but I didn't know about all these other things. And I'm reading the story. And I was just sort of wondering, like, how does this happen a lot? Is this like the three cases that's ever happened? Or is this happening all over the place? And so I tried to go look for article, you know journal articles about this topic, and there weren't really any. And then I looked about privatization broadly, there weren't really any except on private prisons. And so you're Dan and I kept having these conversations. So we and we were left in this place where there's not there that we felt that there wasn't a lot necessarily in the literature to point us You know, to give us a clarity on, you know, the questions we were having about this article, again about privatized corrections generally not just on on private prisons. So. So, we started sort of writing this article that came out that we ended up asking Josh to join. And that, you know, the three of us came up with this article that came out in 2016. And again, we were really thinking about, well, what what are the things we would want to know? What are the things that we think that the sort of scientific evidence could benefit from? Again, you know, our thought process was about privatized corrections, generally, not necessarily just private prisons, because at the time, there was still a lot of questions about private prisons. But there was also a lot of new, a lot more research, especially relative to other types of corrections.

**Jenn Tostlebe** 25:45

It's interesting that this kind of stems from like fines and privatization of fines, I actually used to work in a county attorney's office in the fines collection department. So it was public. But one of the agency type places we had to work with was a private fines collection. And they, if it went to them, it was an automatic 20% addition on top of the fine plus whatever their you know, other fines were and so we'd always try and get it back to remove that, because, like, a lot of these people couldn't really pay the fine to begin with. So yeah.

**Andrea Montes** 26:21

Yeah, yeah, it was crazy whole. And again, there's not many studies on privatized fine collection there, they're starting to be some by Alexis Harris and other folks focused on fine collection. But to know, like, how prevalent that is, like the situation you're describing, how prevalent is that you can look at state statutes and see what, you know, different jurisdictions have sort of on the books, but it doesn't necessarily shed light on how frequently those cases happen, or how frequently people end up paying, you know, exorbitant more than their you know, original fine was.

**Jose Sanchez** 26:56

Yeah. Okay. We want to start getting into like the dimensions that Jenn mentioned, once you summarize the paper, and, can you discuss those with us discuss the framework and how they can serve research and policy, specifically talking about privatized corrections?

**Andrea Montes** 27:26

Yeah, so partly, they stem you know, so in draw in developing these dimensions, and this list, list of dimensions, if you will, sort of grew and shortened and grew and shortened multiple times before we sort of settled on these seven dimensions, and they came from one, the literature just what did try it? What could the privatization literature tell us? You know, that didn't exist at the time, especially, again, been informed by the private prison literature? What could policy debates about privatization, tell us some of the important dimensions were and then looking at frameworks about how do you think about evaluating policies? So, those are sort of our thinking about how do we come up with a set of dimensions? So we started off, and this is really, I think this one in particular was really informed by thinking about policy evaluation. So what is the extent of need? Like? How do we even know that there is a need for privatization? So your question earlier, like, how did this really come about? Clearly, jurisdictions have privatization and privatize fine collection or private prisons or whatever it is, and so they've identified some need for this service. Maybe it was, you know, empirically determined or not. But so the first dimension extent of need, how do we even know there exists some need for privatization and, and we really felt like this need wasn't necessarily just pointing to an issue, like, there's overcrowding, so we need a private prison. But if there is an issue of overcrowding, really considering is a private prison, the best way to alleviate that overcrowding, or what all are our different options, and then a private prison sort of come to the top as the best solution. So, it's not just identifying a need and then saying, okay, privatization is the answer, but identifying a need empirically identifying that a need exists, and then evaluating different possibilities and determining that privatization is the, is the best solution. The second dimension, amount and quality of services was, you know, quality is important because you want people treated humanely of course, but it's also important from a research perspective, in terms of, you know, if you're gonna say, you know, the basic sort of tenant of privatization at its bare bones is, we're going to privatize because it can ask for a comparable quality of service as can the government and we can do so at a comporable or lower cost. So, the implications there, you know, are quality and cost. And so you have to know quality to make those determinations to know whether it's effective. If we're saying, you know, if we're saying quality sort of encompasses impacts, like, you know, recidivism are something you want to know the quality that went into determining those outcomes. And if you're comparing cost efficiency, it's not really enough to say, a public prison cost less or more than a private prison, you also want to know, what exactly are you getting for those costs? What exactly services are they providing? What exactly are the quality of services, and if you think about, you know, let's say, a treatment, mental health treatment program, for example, and there is a public, you know, the, the treatment program says you should have five sessions, or one session a week, and the public entity does that. And they have a counselor who's fully present going through the curriculum of those sessions, how they're supposed to be, and the person is fully engaging with those sessions. And you compare that to a private and we could switch these around, I'm just saying it this way, you could say public or private, and either when you have a private and they say, you know, the counselor shows up 15 minutes late, they're checking their phone, the person is really not that interested in being there. And then at the end, you compare public and private and you see different outcomes, is that really a public and private difference here is that the quality of what was happening, that's a difference? So, so, you really want to be able to know what the quality was. That was that was provided. The third dimension went into impacts on outcomes. So, how to how do we know whether public or private achieves better outcomes and not just achieves better outcomes like recidivism, which we tend to focus on, but also things like I mentioned earlier, like employment, like study housing, like family reunification, reduce drug use better health, you know, we many, many outcomes that we care about? But also simultaneously? How do we know which one does not cause adverse or harmful outcomes? So, we don't, you know, we want to know not just about recidivism, but we also want to make sure that it's not causing harm to these other things like, not making it harder or more challenging for them to stay tied to their family or to get employment when they're released, or, you know, all of these sorts of things. So we want to know, also the impact that has on those outcomes.

**Jenn Tostlebe** 32:34

Would those be like the unintended when you separate out?

**Andrea Montes** 32:38

Okay, all right. Yeah. Well, I mean, I, some people that are more critical might say intended. Yeah, so depends on how you look at it. But yeah, certainly unintended outcomes of that can cause harm, not just to the individual, but can cause harm to, you know, their families or communities to the correction system generally. And so, you know, and you, ideally, you would have a comprehensive understanding of all of these things to be able to make these comparisons. So, the fourth dimension goes into cost efficiency. This is sort of where a lot of the conversation lies, both within the literature and also within policy debates. There's a really strong feelings among some folks that private industry can, can operate prisons, or provide other correctional services at a lower cost than the public can. And the literature again, focuses on prisons. And I think the last sort of state of evidence, paper was done in 2019. And they they said, there's actually it's not clear whether this evidence supports private or public in terms of cost efficiency. But again, cost efficiency sort of implicates having information about the quality of service that was provided about the impacts that were achieved about the adverse outcomes that occurred, which makes it difficult to really assess cost efficiency. There also all sorts of up costs that maybe aren't necessarily accounted for, like if a monitor, you know, a publicly employed monitors on site at the present, that's a cost still, that maybe isn't captured if you're just comparing what was sort of spent, if you will, by the private prison company. The fifth dimension went to innovative solutions. And this really comes from again from public policy debates. People really arguing the private industry, there's more flexibility, there's less bureaucracy, this allows for more innovation. There's a slight belief that this competition for contracts can promote innovation among private industry. There's not really a lot of studies on this, partly is because what what counts is innovation? And there's not really a clear, you know, way to operationalize that. And so how do you really know whether public or private is more innovative than the other challenges, they sort of learn from each other, if you will, you might see a private industry do something. And then the public prison sort of adopts that same practice or by, you know, public do something in the private is adopting that same practice. And they might build on it and change it in different ways. And so there might be this sort of feedback loop in that way. But it's still an important dimension to understand because of the presence of private industry is sort of changing how Corrections is done. And if you view those changes as innovative and innovative in a good way, you would want to be able to capture that somehow.

**Jenn Tostlebe** 35:48

Right? Do you have considering you just said it's difficult to figure out what exactly innovative is, but are there any examples of maybe what some people have suggested as an innovative solution?

**Andrea Montes** 36:01

Yeah, you know, I can't really think of any, you know, great examples off the top of my head, what I will say is, when I've talked to folks in this area, what they point to just generally, is the ability for private industries to pilot things faster and easier than the public can, you know, public entity can. And in that way, sometimes it's not necessarily that it's fully like the private companies idea, or sort of brainpower behind idea, but it's the man, it's just a matter of it being easier in some way. And maybe because it is less bureaucracy, maybe because of other reasons. It really depends. But it just, there's room to pilot things that maybe then can be scaled into a prison. A prison system as a whole. But yeah, I can't think of anything new, like you, oh, private prisons did this. And now that's sort of the way of doing things everywhere sort of thing. I think it's a little bit in part, I think it's also more incremental than that. So, slight, slight tweak or change here and a slight tweak or change there, rather than like a whole cloth change of something, right. The next dimension is this impacts on social control. And this is, again, this is another piece where you hear a lot of conversation is just typically arguments about whether privatizing correctional services sort of affects the total amount of formal social control the total amount of people under correctional supervision. And this, can, you know, the arguments about this, or either about their sort of direct impact. So a lot of critics will bring up that private corrections companies give money to campaigns for people, to people running for different office, and that they may lobby for particular policies or practices. But also there, I think there's this indirect way that it could impact social control. Again, we don't really have a lot of evidence about this, but you can sort of see this play out in the sense of, does their present just their presence, does the presence of private industry in corrections lead to net widening? So, for example, if if a jurisdiction has a contract, and they don't necessarily, does it change the way they sentence people or to change the way they they administer punishments, or what requirements they have folks under correctional supervision? So, you know, in private prison, a lot of private prison contracts have a capacity or a quota agreement, like do you will keep a certain percentage of the beds occupied and our prison. So, there's concern about how those contractual requirements change how people are sentenced? Not again, not a lot of studies on this, there starting to be a few there's, there's one in the last few years that looked at time served in public and private prisons. Again, it's complicated because of that transfers issue. But yeah, and then the last dimension is about ethical considerations. I don't think you can get around are the ethical questions around privatization. You know, again, you sort of said this was repeated here. So, critics would argue that the profit incentive of these private corrections companies can distort motive and can result in corrupt practices or poor service quality or cutting corners. But proponents of private corrections make an argument that if there's a way for the government to provide indirectly through private a comparable service at a lower cost and they have that, then there they are sort of required to do that as for taxpayers, and to save taxpayers dollars. So, so, those are the sort of quick overview of the seven dimensions of that conceptual framework.

**Jenn Tostlebe** 40:17

Yeah, I can definitely see how a lot of them would overlap with each other and kind of feed off of each other.

**Andrea Montes** 40:24

Yeah, absolutely. It's, there's a lot I can get a little bit murky sometimes. And what exactly you're what's exactly, maybe differentiates them. But it's partly because of, like, to ethical considerations, you know, sort of get away from, you don't get away from any of these, I think if you're going to really truly have an understanding of how they compare.

**Jenn Tostlebe** 40:46

Right. Yeah. Okay, so after you kind of lay out these seven different dimensions, you talk about three different opportunities in your paper. So, we'd like to go through each of them, and just have you discuss them briefly in more detail. The first one you talk about is using this privatization debate and corrections to advance corrections research generally. Can you elaborate a little bit on what you mean by that?

**Andrea Montes** 41:16

So, so, one is that, you know, private and public corrections are private and public, private and public prisons might do things in ways that are a little bit different, that let you compare different strategies or different approaches, there's still going to be some sort of baseline requirements that they have to meet that are, you know, they're legally obligated to do things in certain ways. But there might be different approaches, different management styles, those sorts of things that happen. So you sort of have these two comparison groups that allow you to compare different correctional approaches, but also lets you focus on systems wide decisions. So, do changes in sentencing, for example, make a jurisdiction more or less likely to privatize, there's the opportunity for privatization or the availability of a private corrections company make a jurisdiction more or less likely to look to combine meant because there's an opportunity to partner with private rather than considering other alternatives? So let's do also think consider some systems why decisions and how people think and have systems think about punishment.

**Jose Sanchez** 42:33

The second opportunity touch touch on is using the privatization debate to advance criminological theory. In your paper, you state private industry may well rely on a more diverse set of management strategies than existing public corrections. So, can you elaborate on this and how it ties into theory?

**Andrea Montes** 42:54

Yeah, I think that statement is, was sort of us speculating some some different ways that it could feed back into into research and into theory. And again, these opportunities are also tied together. So, there's not necessarily a theory of private prisons, you know, we have a theory of social control or whatever, there's not a private prison theory, or a theory about how they operate. But investigating both public and private and again, doing it across the sort of comprehensive set of dimensions that we've been discussing, I think allows for understanding these different approaches, are there different approaches to corrections? Are there different approaches to operate in a prison? Are there different ways that correctional officers, correctional administrators make decisions that lead to the lead to different outcomes and lead to different outcomes for the individuals that are housed there lead to different outcomes for for communities and for the correction system in the criminal justice system more broadly. So, it's not necessarily that we, you know, no different management strategies of private or public presented, but I think studying, you know, the point here was that if we really invest in studying these different approaches, it's an opportunity to learn about different management strategies within corrections.

**Jenn Tostlebe** 44:17

Right. And then the third opportunity is to use this privatization debate to improve public and private corrections, right, the overarching goal of what we're always trying to do, it appears that you don't necessarily take like an anti-privatization stance, but rather want an evidence based approach to improve corrections, whether that's public or private. So, is that a fair assessment of how you feel about this, and how can we go about using research to improve corrections?

**Andrea Montes** 44:49

Yeah, I think that's fair. Right? It's, um, I think policy around issues like this are are tough because people have really strong views personally, even if we have an understanding of how particular decisions might affect the system, or a community or society. So I think at the end of the day, most folks I talked to, if it's their loved one who's incarcerated, they don't care whether the prison is public or private, they want that person to be somewhere that safe, they want that person to be somewhere where they're treated humanely, whether they can get help if it's a pelvis, if there's a certain kind of help that they need, where they can maintain ties with them knew they care about the experience of their loved one. And they don't care whether it's public or private, they might have views as a system, whether it should be public or private. But at the end of the day, those are the things people want. And I think we can use, because public and private do exist, we can use studies of both of them to identify practices that work to try to achieve those outcomes and all of our prisons, whether they're public or private, because the conversation I think, is me is less about, should we have public prisons or private prisons, or both, or none or whatever. It's more about, do we, how can we have prisons that are providing a supervision that is humane, that are administering punishments in a way that are humane, that are making it less likely that people return to prison that are, again, achieving all of these outcomes that we've been talking about that are doing? And so again, so less? So, I think studying both of these allows us to identify those practices that work and identify the conditions under which they work so that our public prisons can adopt those and our private prisons if we're going to have though have them can adopt those practices as well. So I that's what I think at the end of the day, it's about it's not necessarily about public or private prisons. Certainly, we should be talking about whether we should have private prisons because it's it's there's a lot of implications to having private industry involved in corrections. But I think this sort of more immediate policy implication for me is how do we have prisons that operate in a way that are humane and achieve the outcomes that we aim for them to?

**Jose Sanchez** 47:21

Okay, so I think that actually sets us up pretty well to go into our last section. And this time, more about the conditions of confinement. You're currently doing some work that compares conditions of confinement across public and private prisons. And you had a paper that was recently accepted, accepted for publication in Crime and Delinquency, I believe. Could you tell us the title of it?

**Andrea Montes** 47:49

Oh. Let's see. It's called Private vs Public Incarceration: Incarcerated Individuals Experiences and Perceptions of Environmental Quality. And this paper is with Josh Cochran, who was on who was also a co author on the paper that we just talked about and with Claudia Anderson.

**Jose Sanchez** 48:13

Great. Okay, and so this study uses the National Inmate Survey. And so to start, can you describe what the National Inmate Survey is?

**Andrea Montes** 48:24

So this survey, the one that we're using was administered in 2011, and 2012, funded by the federal government, and they selected a random sample of incarcerated individuals. And these are individuals who are incarcerated in prisons and jails and other types of facilities. And they administered a broad set of questions. The main impetus of the survey was to comply with the Prison Rape Elimination Act, which requires confinement facilities to report on and understand instances of sexual assault within the confinement facility. So, there's a lot of questions in there about sexual victimization, while incarcerated, but there are also a range of other questions. And that's, so we see that range of questions, we looked at several outcomes in this particular study. So we see that range in this study.

**Jose Sanchez** 49:24

Great. So speaking of the outcomes, could you give us like the highlights on this particular study, maybe some of the goals of the study and know some key highlights on the findings?

**Andrea Montes** 49:38

So we really wanted to better understand how, what happens in a public and private prison. And there's multiple ways to do that. You can use administrative data to look at different things. But what I the benefit of this particular data set is it really highlights the experiences and views of the folks who are incarcerated. So it really lets us have a understanding of how they perceive and experience their environment. And so we focused on several outcomes, and they sort of fell in line with, with a few different domains, if you will. And so it focused on, you know, the needs of incarcerated individuals, behaviors they engaged in, victimization experiences, and some of their attitudes and views about life while incarcerated in a prison.

**Jenn Tostlebe** 50:41

So, what are then some of the, like, main takeaways or implications that we can take from your study?

**Andrea Montes** 50:50

One of the most interesting things we found is, well, one, I think our findings really, sort of paralleled what we see in the literature. So, what what we see in the literature is this mix of findings where some studies find the public prisons have a higher quality service, some jurisdictions find that private prisons have a higher quality service, you know, some find no differences. And we looked at, I think I'm gonna, I might mistake, this, I think, was 20 different dependent variables. And across almost all of them, we found no difference. And so, for when we looked at men and women differently, for women, there were no differences on across any of the dependent variables. And for men, there were almost no differences, we found three differences for men. One is that men that were in private prisons were more likely than men in public prisons to perceive there to be inadequate staffing. They were also less likely to report maintaining ties with people outside of the prison. And sort of on the flip side, men in private prisons were less likely were to report crowding to be an issue in their facility. So so we found a sort of comparable quality across these two types of facilities, public and private. This is not to say, now we didn't study level of quality. So, just because there was comparable quality, it's not necessarily saying that they're both of high quality, what we're setting is relative quality, so quality of public as compared to private. Yeah, I think those are sort of the sort of the main takeaways, I think one of the things to remember here is this is a national survey. So anytime you aggregate across, you are sort of getting an average experience. In this case, if we had looked at specific jurisdictions, what we might have found is that some jurisdictions do have more differences, or differences that look, you know, that are that are not in line, necessarily what we found for this national sample, but at least when we look at it nationally, we found a lot of similarities in views and experiences, with a few with three differences for men.

**Jenn Tostlebe** 53:19

Was that surprising to you as authors that there weren't very many differences?

**Andrea Montes** 53:26

I did expect to see a few more differences. But there are there is a lot in the literature on prisons, this suggests something similar with this these comparable sort of experiences. And I think that other things interesting is, you know, what would be interesting is a study that looked at private prisons when they newly opened as compared to private prisons later on, because for two reasons. One is when a private prison first gets their contract, there might be specific things that they're doing at that time that look different than, you know, 5 and 10 years after a contract. Right. But the other thing is that there's, there's one line of thinking really promoted by, by, by Harding. And some of his work is that private prisons and public prisons have what he calls like this cross fertilization, meaning that over time, they become more similar because of the intervention of public prisons into how private prisons operate. So, a public prison might do something or want to change something and then they go back and amend the contract with the private to make it more similar to how they're operating their public prison. And so and that's happens more and more over time as a thinking. So, I think then, you know, another thing in addition to looking across jurisdictions where you might see some of those differences would be looking at the duration of a contract and being able to compare in that way. So yeah, back to your original question. I wasn't totally surprised, though I did expect to see a few more differences across the groups.

**Jenn Tostlebe** 55:09

Interesting. I don't know, I don't know very much about private prisons. So I'm like going off with public discourse, primarily here. But I guess I just would have assumed that there would have been more differences.

**Andrea Montes** 55:22

Yeah, I mean, the other thing to remember too, is this isn't necessarily looking at outcomes in terms of life after, after, right. And so. So if we were to be able to have tracked individuals after they were released, we might have, we might see more differences in in those outcomes.

**Jose Sanchez** 55:45

Okay, well, those are all the main questions that we had for you today. Is there anything else that you would like to add that maybe we didn't touch on?

**Andrea Montes** 55:56

I mean, I think we touched on this. But I think one of the points to remember about privatization is it's not just prisons, we talk a lot about prisons, in research, prisons are received the vast majority of attention in the privatization literature. But privatization really, as a percentage of you know, how much it's part of the industry, it's much more prevalent in other aspects of corrections. And so there's really a lot of people interested in studying privatization, think there's a lot to be learned from studying privatization and other aspects of corrections, Community Corrections probation, especially as we've seen, started to see sort of a plateauing of incarceration rates, you see a lot of, if you look at the sort of business plans of these four of these private prison companies, they're starting to get more and more into community corrections, for example. And so there's room to sort of learn what are our best practices? And what can we do if they are going to be involved in private community corrections? Then how can we make sure that those services, again for public and for private or operated in a way that that makes sense? I think the other thing to remember is that the way that we do privatization in the United States, and especially with private prisons isn't necessarily the only way to do it. So, you know, people think, I think a lot of the public discourse is should we abolish private prisons or not, and in sort of this black and white conversation, but what some of the some other countries have started to do is just change, they keep private prisons, but they've changed how they contract with them. So they, they might require like a fine of some sort, or they might revoke contracts, if they don't achieve certain outcomes, or if certain things occur, it's tied to the financial incentives. So, there's honest and clear evidence about how that has worked out, or if that's changed outcomes, or changed how private prisons or prisons generally have operated. But I just think it's worth noting that there are other ways to do privatization than the way we do them in the United States. And then the last thing I always like to point out is, you know, just, again, this conversation is about private, but it also has a lot of implications for how public corrections and public prisons operate. I think when we argue against private prisons, we're saying that we should use public prisons. I mean, that's sort of the implication. But we know that public prisons also have a lot of issues and how they operate. And so I think what the goal really should be is to use, you know, from a research perspective, and thinking about policy implications is using them to improve prisons, public and private and how they operate. But yeah, I think that's it. I really, this has been a lot of fun. I really appreciate you all having me on here.

**Jose Sanchez** 58:58

Yeah. Thank you so much for joining us. Is there anything you'd like to plug anything we should be on the lookout for in the near future?

**Jenn Tostlebe** 59:06

Besides the paper we just talked about? Yeah.

**Andrea Montes** 59:09

Yeah. So papers, you know, the Crime and Delinquency piece, I think, you know, we'll be out relatively soon. So that that's sort of the next thing in this arena. That's out for me. I can't think of anything else though.

**Jenn Tostlebe** 59:24

Finally, where can people find you? Are you on the Twitterverse?

**Andrea Montes** 59:29

I do technically have a Twitter but I rarely check it I will spontaneously get on and look or posted something. As far as you know, getting in contact with me. Probably the best way is just shooting me an email. I'm always happy to chat with anyone or set up a zoom call or a coffee or whatever it is, and have that conversation that way.

**Jose Sanchez** 59:53

Okay, well, thank you again for joining us. We really appreciate it. It was a interesting conversation. Um, I learned a lot something started to click as we're talking about privatization that just being in prisons and some of my work with the gang reduction program here in Denver, and they work with like, halfway houses. And then I kind of started to remember like, oh, yeah, some of them closed because the city that didn't renew the contract, and they were like, private halfway houses. So, just kind of connecting dots. Very informative, and it was a pleasure talking to you.

**Andrea Montes** 1:00:29

Thank you all very much. I really appreciate it.

**Jenn Tostlebe** 1:00:31

Yeah, thank you. I feel like I have many more questions now. But that's okay. Another time. A follow up. Hey, thanks for listening.

**Jose Sanchez** 1:00:43

Don't forget to leave us a review on Apple podcasts or iTunes. Or let us know what you think of the episode by leaving us a comment on our website at thecriminologyacademy.com.

**Jenn Tostlebe** 1:00:53

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