

The Color of Corporate Corrections: The Overrepresentation of People of Color in the For-Profit Corrections Industry¹

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While data collected and maintained by the Federal Bureau of Prisons (BOP) and state departments of corrections (DOC) have long demonstrated the prevalence of persistent racial disparities in incarceration⁴, no comparative study until now has illuminated the racial composition of select state-contracted, private prisons around the country.⁵

¹ This research report was submitted to both *Prison Legal News* and *Radical Criminology*. It first appeared in *Prison Legal News* and can also be accessed at www.prisonlegalnews.org. An updated version of *The Color of Corporate Corrections* study will appear in the next issue of *Radical Criminology* (#3), based on new information received from FOIA requests. In it, Christopher Petrella extends the examination of racial disparities in public vs. private prisons to include a large sample of U.S. states—19 in total—that incarcerate 500 or more adult men in secure and confined facilities managed by for-profit firms.

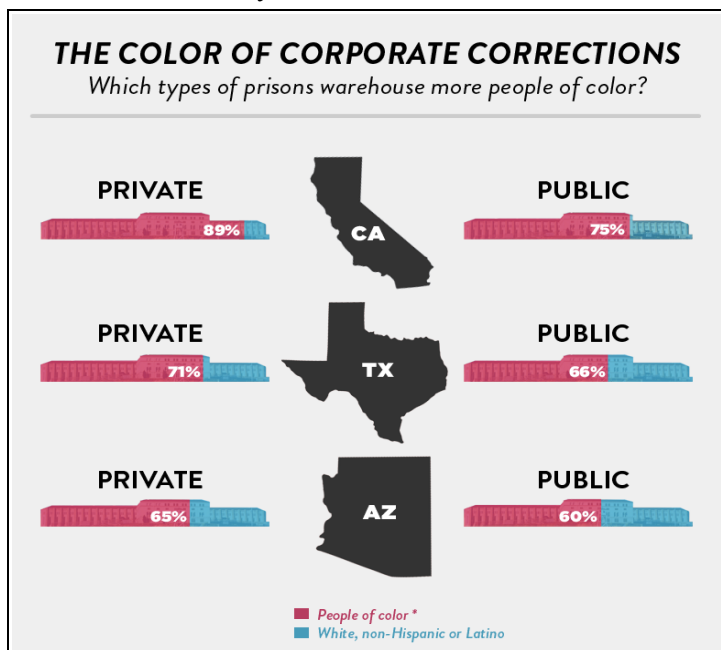
² Christopher Petrella is a doctoral candidate in African American Studies at U.C. Berkeley. His dissertation is entitled “*Race, Markets, and the Rise of the Private Prison State*.” Learn more at www.christopherfrancispetrella.net

³ Josh Begley is a graduate student in Interactive Telecommunications at NYU. You can follow him on Twitter (@joshbegley) or learn more at joshbegley.com.

⁴ <http://bjs.ojp.usdoj.gov/content/pub/pdf/p10.pdf>

⁵ In order to avoid artificially inflating the over-incarceration of people of color in for-profit prisons we intentionally excluded data from federal detention facilities controlled by the U.S. Immigration and Customs Enforcement (ICE) and the U.S. Marshals Service (USMS), as well as detention facilities managed at the local level. For this same reason, we strategically excluded data for transfer centers, work release centers,

Our conclusions reflect a rigorous multi-level analysis of the latest U.S. Census demographic figures available through the Prison Policy Initiative's "Correctional Facility Locator 2010" cross referenced with "count sheets," inmate population directories available on state DOC websites, and statistical information procured through Freedom of Information Act (FOIA) requests filed with the California Department of Corrections and Rehabilitation (CDCR).⁶ Datasets were accessed from August-October 2012 and analyzed in November 2012.



We selected California, Texas, and Arizona for this study because they warehouse some of the largest numbers of inmates in private, for-profit prisons in the nation. Our sample size is large and reliable. Taken together, California, Texas, and Arizona account for over 1/3 of all prisoners housed in private facilities around the country. Although people of color⁷ are al-

community correction facilities, special treatment centers, reception centers, and any facility with a population under 500 persons.

⁶ <http://www.prisonersofthecensus.org/locator2010/>

⁷ Although racial designations are always imprecise, elusive, and subject to revision, we appropriated U.S. Census Bureau racial categories for the purposes of this study to preserve nomenclatural, and therefore statistical,

ready overrepresented in public prisons relative to their state and national population share⁸, our research indicates that people of color are further overrepresented by roughly 12 percent in state-level correctional facilities operated by for-profit, private prison firms. This over-representation of people of color in for-profit, private corrections institutions should be a matter of deep public concern.

The private prison industry has arguably represented an experiment in racialization from its very inception. Corrections Corporation of America (CCA)—the nation’s oldest and largest for-profit company which now controls 43 percent of the private corrections market—received its first contract in 1983 from the now defunct Immigration and Naturalization Services (INS), an agency primarily responsible for regulating the movement of bodies of color.⁹ This trend continues today. According to stipulations articulated in a 2007 CDCR memorandum, the state of California prioritizes previously deported inmates and/or inmates with active *or* potential ICE (Immigration and Customs Enforcement) holds—a policy that disproportionately affects people of color—for involuntary transfers to out-of-state private facilities.¹⁰

Our sense is that applying privatization to the most vulnerable and politically marginalized racial groups allows state DOCs and the private prison industry to externalize costs without facing “legitimate” public backlash. The overrepresentation of bodies of color in private prison facilities suggests that communities of color are seen as unworthy of taxpayer supported *public investment*. That is, relative to for-profit correctional in-

fidelity in our cross-referencing efforts. People of color here are defined as “Black, American Indian or Alaska Native, Asian, Native Hawaiian or Pacific Islander, and non-white Hispanic or Latino.”

⁸People of color comprise 61 percent of California’s population yet account for 75 percent of the state’s public prison enrollment. In Texas, people of color comprise 55 percent of the state’s population yet account for 66 percent of the public corrections population. And finally, people of color comprise 43 percent of Arizona’s population yet account for 60 percent of the state’s public prison share. <http://quickfacts.census.gov/qfd/index.html>

⁹ <http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-presentations>

¹⁰ https://www.aclunc.org/cases/closed_cases/asset_upload_file958_7840.pdf

stitutions, people of color are disproportionately siphoned away from public facilities, precisely the types of facilities that provide the most educational, pro-social, and rehabilitative programs.¹¹

Instead, the overrepresentation of people of color in private, for-profit facilities—facilities with strikingly few rehabilitative programs relative to public corrections institutions—suggests that the containment of people of color, relative to “non-Hispanic, whites,” functions primarily as a source of profit extraction. Whereas the primary objective of public corrections agencies is the promotion of public safety through rehabilitation, private prison firms are first accountable to their shareholders. Companies like CCA are legally obligated to increase shareholder value, an imperative that inherently compromises any deep commitment to rehabilitation, social re-entry, or recidivism reduction.

Our study also raises larger questions about the relationship between race and democracy. A substantial overrepresentation of people of color in facilities controlled by for-profit firms suggests that people of color are excluded from traditional national conceptions of “the commons” and therefore remain unable to participate fully in this nation’s democratic experiment.

Though research pertaining to the racial composition of private prisons is still emerging, we’re confident that our findings will generate substantive discussion on the relationship between race and prison privatization in the United States. Above all, we’re hopeful that research like this—limited as it is—will inspire policies aimed at eliminating the for-profit corrections industry, an industry that disproportionately commoditizes people of color and subjects them to the whims of the highest bidder.

The following pages of charts and graphs (Figures 1-6) were created by *Radical Criminology* in order to visually present the dataset submitted by Christopher Petrella & Josh Begley.

These statistics break down the composition of the prison population in both public and private facilities of three US states’.

[As stated, “[d]atasets were accessed from August-October 2012 and analyzed in November 2012.”] Please look for our next issue for an updated, extended dataset, along with further research and analysis.

-Editor-

¹¹ <http://www.urban.org/projects/reentry-roundtable/upload/Crayton.pdf>

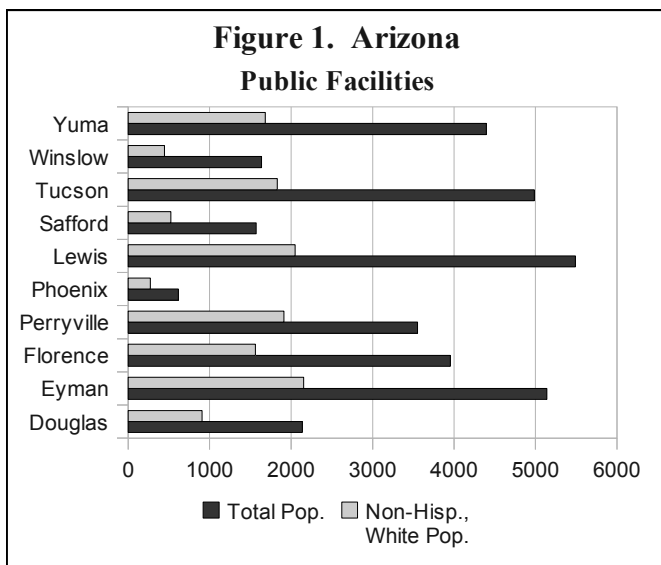
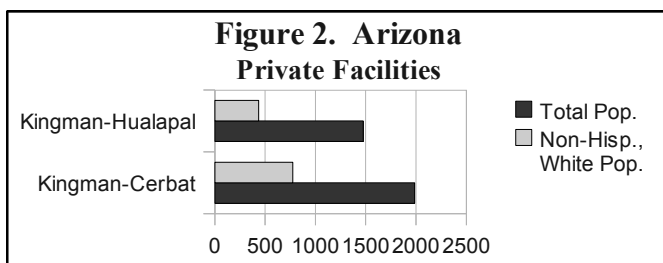
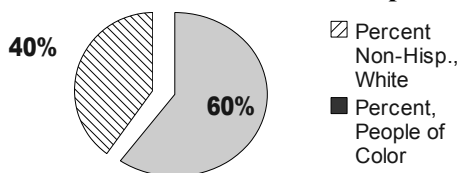
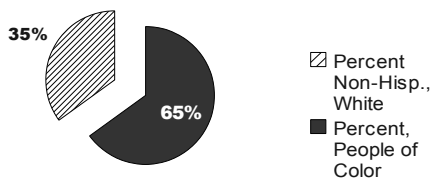


Figure 1.1. Arizona Public Facilities: Total Population



**Figure 2.1.
Arizona
Private Facilities:
Total Population**



**Total Arizona Overrepresentation
(Private Facilities, Persons-of-Color):**

8%

**Figure 3. California
Public Facilities**

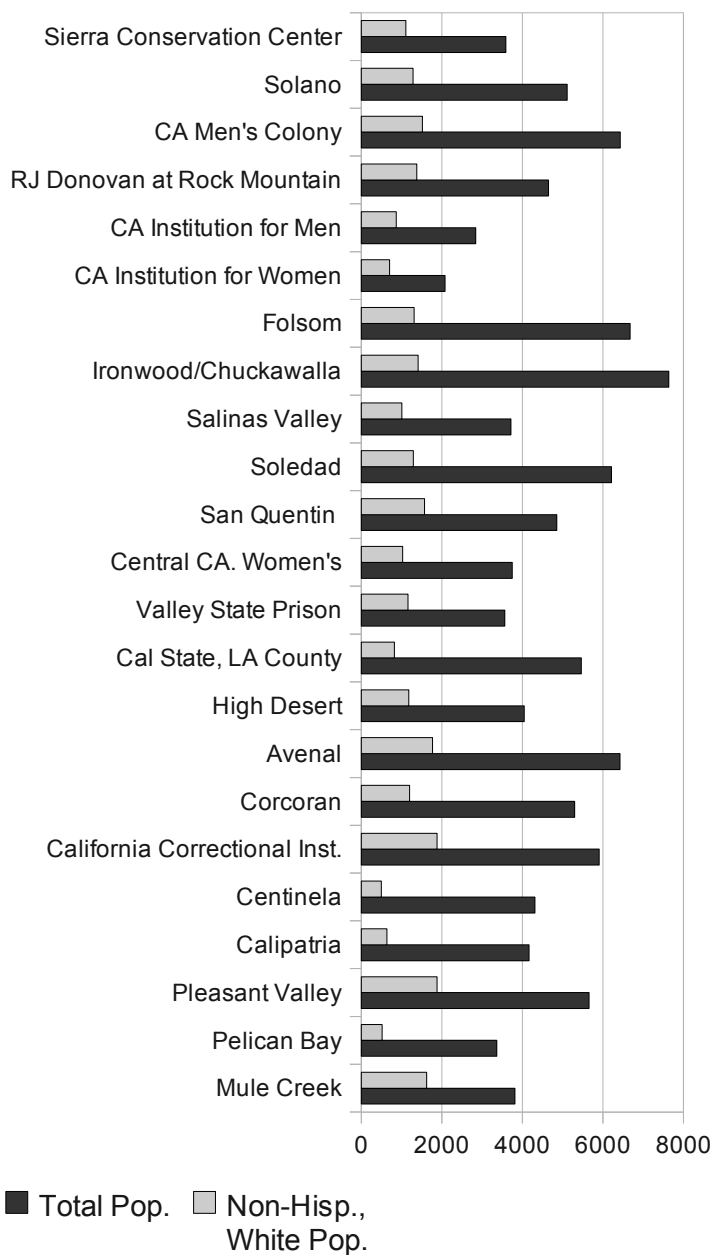


FIGURE 3.1. CALIFORNIA PUBLIC FACILITIES:
TOTAL POPULATION

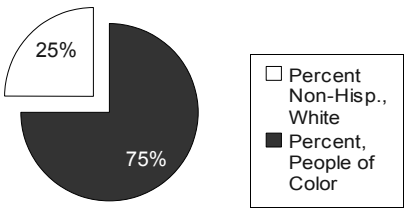


FIGURE 4. CALIFORNIA PRIVATE FACILITIES

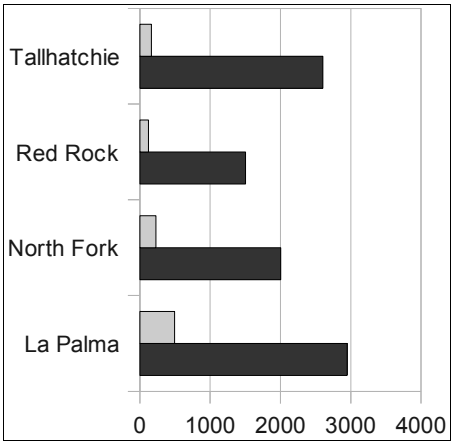
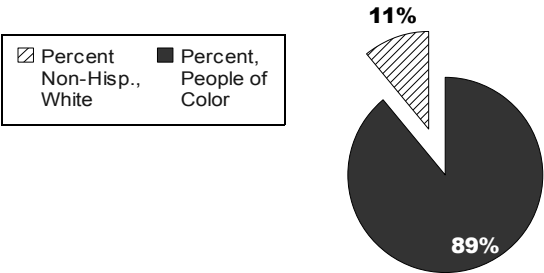


FIGURE 4.1. CALIFORNIA PRIVATE FACILITIES:
TOTAL POPULATION



Total California Overrepresentation
(Private Facilities, Persons-of-Color)
as Percentage:

19%

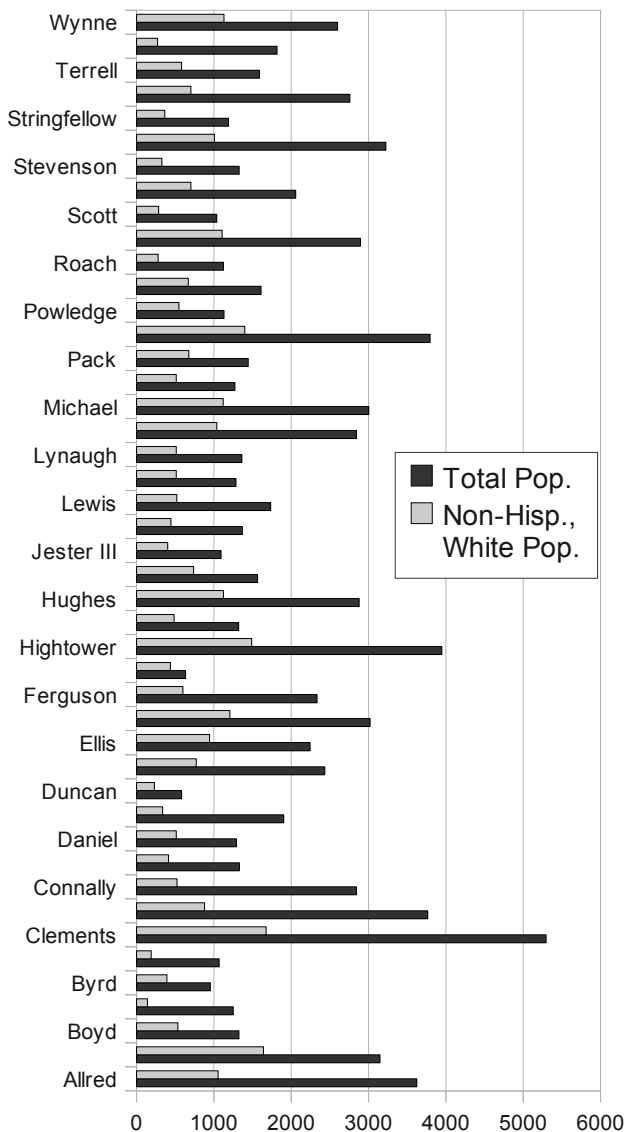
Figure 5. Texas**Public Facilities**

FIGURE 5.1 TEXAS PUBLIC FACILITIES: TOTAL POPULATION

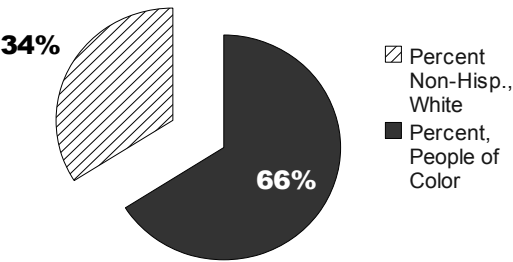


FIGURE 6. TEXAS PRIVATE FACILITIES

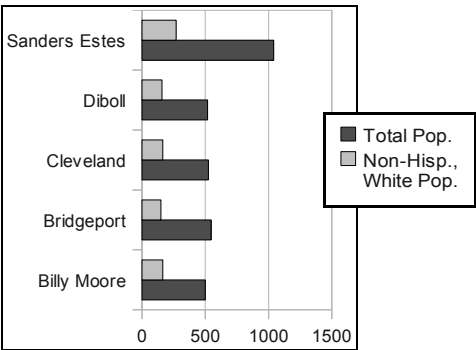
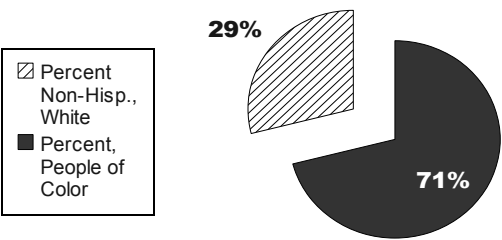


FIGURE 6.1 TEXAS PRIVATE FACILITIES: TOTAL POPULATION

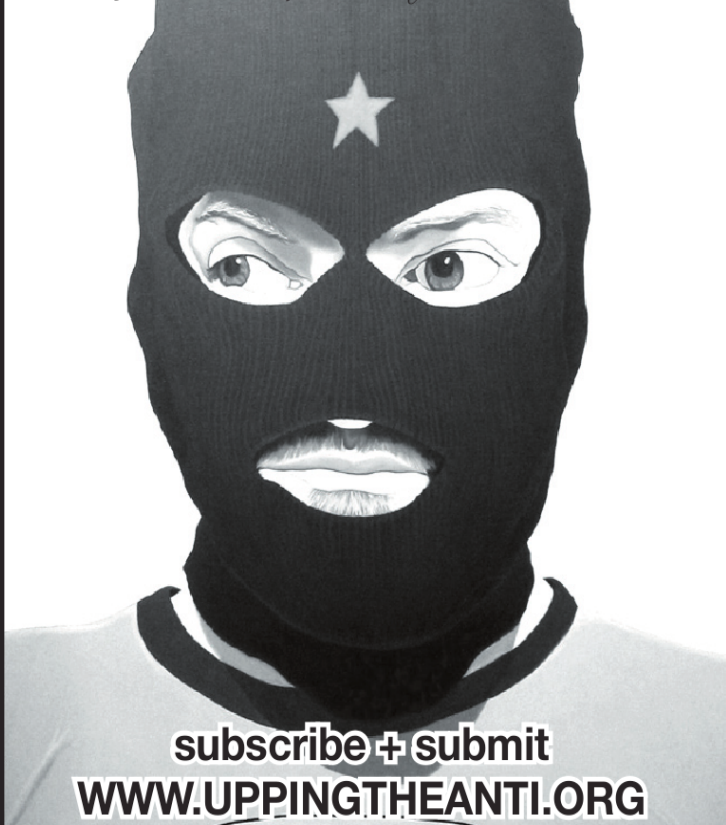


Total Texas
(Private Facilities, Persons-of-Color)
Overrepresentation, as Percentage: **8%**

Total Over-representation in Private
Prisons (Arizona, California & Texas): **12%**

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