

“Shackles and Chains:” Three Essays on the Determinants and Consequences of U.S.  
Mass Imprisonment in the Twenty-First Century

DISSERTATION

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## Abstract

*In the past forty years, the United States has engaged in a punishment system reliant on mass incarceration. Although legislative policies and crime control initiatives that increased imprisonments were established during a period of high crime rates, America has continued to incarcerate at a high rate even as crime rates have declined. Scholars have attempted to explain what accounts for U.S. exceptionalism when it comes to imprisonments and find that a combination of factors including partisanship, race, sentencing severity, and inequality may account for this incarceration (Alexander 2012; Greenberg and West 2001; Keen and Jacobs 2009; Tonry 1999). Scholars have also examined the consequences of locking up so many people such as the effects on state budgets, families, unemployment, citizenship and inequality (Alexander 2012; Behrens, Uggen and Manza 2004; Clear 2009; Wacquant 2001; Western 2006). This dissertation consists of three associated essays that analyze both the determinants and consequences of mass incarceration.*

*In my first essay I examine state spending on corrections. Corrections expenditures have become one of the fastest growing budget items for most states in the past forty years. Yet, few studies focus on the social and political factors tied to these spending increases. This paper uses a panel analysis to examine the determinants of corrections expenditures from 2000 through 2010. Three main relationships are tested: racial threat, partisanship, and death row populations. Even when crime rates and economic factors such as unemployment, median household income, and union strength are held constant, the results show that racial threat and death row inmate populations are associated with increasing corrections expenditures. The findings suggest that large or increasing African American populations continue to be a reliable predictor of criminal justice system expansions, especially in the South. Additionally, the pronounced effect of death row populations on spending increases may call into question whether capital punishment remains a fiscally sustainable punishment option for states.*

*The second essay examines determinants of variation in private prison populations. Since the prison boom has resulted in increased corrections expenditures that tax state budgets, many states have turned to privatization as a potential cost savings measure. The literature also suggests that privatization may be affected by partisanship. Conservative politicians tend to support neoliberal fiscal policies that encourage privatization of government services as well as tough on crime policies that have contributed to the growth the private prison industry. Modern-day private prisons share many similarities with historic convict leasing practices, which suggest that the presence*

*of minority populations may affect a state's privatization practices, particularly in Southern states. To try to understand the underlying social arrangements that may account for shifts in the private prison population, I conduct a state-level panel analysis from 2000-2012 that measures the effects of racial threat, partisanship, and economic variables on the size of private prison populations. Results indicate that Republican strength and African American populations in the South are associated with increases in privatized prison populations.*

*For my third essay, I examine county-level determinants of prison admissions in Florida. As in previous chapters, I approach this analysis from the perspective of partisanship and racial threat. Using a pooled-time series analysis, I find that African American presence and Republican strength account for increases in prison admissions over a ten year period between 2001 and 2010. Additionally, I examine the effects of drug courts on admission rates. Prior research suggests that drug courts decrease prison populations by diverting drug offenders from the criminal justice system and offering them rehabilitation opportunities. These offenders tend to have lower rates of recidivism when compared to drug offenders who serve a standard prison sentence (Peters and Murrin 2002). As expected, the presence of a drug court within a county has a negative effect on prison admissions.*

*Dedicated to  
Rick and Kathy Durso*

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## Publications

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## Fields of Study

Major Field: Sociology



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## CHAPTER 1: INTRODUCTION & ANALYTICAL CHAPTER OVERVIEW

*“Punishment is seen as...a strategic measure undertaken by the state, and the focus is upon the political calculations which underlie penal practice, rather than the popular emotions which it conveys.” - David Garland p. 60*

*“Blacks are the repository for American fear of crime.” - Katheryn Russell*

What accounts for “American exceptionalism” when it comes to incarceration rates (Tonry 1999)? It’s been more than four decades since Nixon introduced the “law and order” approach to criminal justice policies in the United States. In that time, the country has become the worldwide leader in incarcerations. According to the International Centre for Prison Studies (2014), America imprisons its citizens at a rate of 707 per 100,000 people. The next industrialized nation on the list is Russia with a rate of 471 per 100,000 people. As of 2012, the U.S. prison population totaled 1.57 million (Carson and Golinelli 2013). Although this figure represents three consecutive years of decline from a prison population of nearly 1.62 million in 2009, the number of people incarcerated remains staggeringly high.

Tonry (1999) notes that one key to understanding imprisonment rates is to examine the severity of punishment in America. The United States is the only Western nation that still uses the death penalty and until 2005, still imposed that punishment on juvenile offenders (*Roper v. Simmons* 2005; Tonry 1999; Zimring 2003). America also employs a number of sentencing policies that guarantee prison time for certain crimes and enhance sentence length such as truth-in-sentencing, three strikes laws, and

mandatory minimums. A 2006 study found that on average, American prisoners serve a sentence of 63 months (Bonczar 2006). When comparing sentence length by offense to other similar Western nations - including Australia, Canada, Finland, Germany, and the United Kingdom - the United States consistently imprisoned people for much longer periods of time (Aebi et al. 2010; Bonczar 2006). The inflation in U.S. sentence length is likely tied to the fact that non-violent drug offenses are punished much more harshly in American courts than in most other countries (Justice Policy Institute 2011).

Expansions in the use of incarceration have continued despite two decades of falling crime rates. Even when taking into account that mass incarceration may have partially contributed to these declines, scholars have found that a number of other factors have fueled the prison boom aside from just criminal activity (Becker 1968; Greenwood 1982; Kraska 2004; Levitt 2004; Moore et al. 1984). Researchers have found evidence that when controlling for crime, growth in prison populations and admissions can also be attributed to the adoption of severe sentencing policies, spending on prisons, unemployment, and inequality (Blumstein 1988; Blumstein and Beck 1999; Greenberg and West 2001; Jacobs and Helms 1996; Mauer 2001; Spelman 2009). Overwhelmingly, though two factors have been cited as the linchpin of American imprisonments: *politics and race* (Alexander 2012; Bonczar and Beck 1997; Beckett 1997; Beckett and Sasson 2000; Davey 1998; Hallet 2006; Irwin and Austin 2001; Jacobs and Carmichael 2001; Jacobs and Kleban 2003; Keen and Jacobs 2009; Selman and Leighton 2010; Sorensen and Stemen 2002; Wacquant 2001).

## **Politics and Punishment**

More so than other countries, crime is highly politicized in the United States (Whitman 2003). The politicization of crime is inherently tied to the nation's electoral process. The United States adheres to a political model of representative democracy. This system gives voters some control over crime policies. Voters choose the people who are responsible for enacting and implementing legislation that determines what constitutes a criminal act, how we penalize law violators, and the amount of resources that should be allocated toward law enforcement and punishment (Jacobs et al. 2007; Savelsberg 1994; Whitman 2003). These decisions will be affected by a politician's ideology and beliefs about crime. Most of these views about crime tend to fall within two camps. The first more conservative view is that crime is a rational choice perpetrated by amoral individuals who lack self-control. The second more liberal belief asserts that crime is largely a consequence of social forces such as racism and poverty. Therefore, when attempting to address the problem of crime, adherents of these divergent viewpoints will naturally endorse different strategies. Conservatives generally advocate reactive strategies that increase crime control and promote harsher punishments, while liberals tend to emphasize preventative social welfare policies and rehabilitation instead of punishment. Membership within one of these camps will likely influence the decisions of voters who may be drawn to candidates with "tough justice" platforms or stances that promote crime prevention.

The second way in which crime is politicized is through political highlighting. Although there are a few cases in which politicians have capitalized on crime and deviance, such as Prohibition and the fight against Depression-era outlaw gangsters, the

most significant turning point for crime as a political issue was Nixon's 1968 presidential campaign (Beckett 1997; Gottschalk 2006). During the 1960s, the nation experienced a spike in crime. At the same time, disorder associated with the civil rights movement created unease, especially among whites. Barry Goldwater was the first to link crime and disorder with the social welfare programs promoted by President Johnson. He argued that since welfare redistributed tax money from affluent citizens to the poor and minorities, it promoted a mentality among its recipients that they could "rightfully take from anyone" who is better-off than they are (quoted in Beckett 1997 p. 28). Nixon adopted Goldwater's sentiment and used it as an anti-crime platform in his 1968 presidential campaign. The association between crime and poor minorities benefited Nixon in two ways. First, it created a stark contrast between himself and his opponent, Hubert Humphrey, who was campaigning on the legacy of President Johnson's Great Society. Johnson had promoted many of his social programs as strategies to address the underlying causes of crime (Beckett and Sasson 2000; Edsall and Edsall 1991; Quadagno 1994). Nixon instead offered a return to "law and order" in which severe punishment would be used against criminals to reduce crime rates.

Second, by linking minorities with crime, Nixon could capitalize on fear among whites of black crime and racist attitudes toward African Americans. This strategy became especially important for picking up votes in the South. When the Democratic Party aligned itself with the civil rights movement and became committed to ending segregation, white Southern voters became marginalized within the party. Nixon's tough on crime speeches implicitly referred to using increased social control against blacks, which resonated with whites in the South and ultimately throughout the rest of the

country (Ehrlichmann 1982; Parenti 2001). Since then, several candidates - particularly conservatives including Presidents Ronald Reagan and George H.W. Bush as well as Governors Tom Ridge, George Pataki, Robert Martinez, and Rick Perry – have successfully run on campaigns that call for increases in punishment to address crime problems (Beckett 1997; Mendelberg 2001; Schoenfeld 2010; Selman and Leighton 2001). Additionally, adherence to more conservative approaches to crime have resulted in many states limiting or abolishing parole, adopting determinate and enhanced sentencing, cutting back on prison rehabilitation programs, and expanding the War on Drugs (Peterselia 2003; Selman and Leighton 2010; Tonry 1995).

### **Racial Threat and Punishment**

The role of race in the history of punishment is an important to consider as well.

Alexander argues:

*“The stark and sobering reality is that, for reasons largely unrelated to actual crime trends, the American penal system has emerged as a system of social control unparalleled in world history. And while the size of the system alone might suggest that it would touch the lives of most Americans, the primary targets of its control can be defined largely by race. (Alexander 2012 p. 8)*

Those targets are African American men. Since the end of the Civil War, whites have employed a number of social control measures aimed at maintaining their racial dominance over blacks while simultaneously tempering any potential criminal threats they may pose. Lynchings, black codes, convict leasing, and Jim Crow were all methods used to keep African Americans in line prior to the civil rights movement. After the movement rendered these methods unacceptable, whites engaged in other actions to impede racial mixing. They moved away from cities, withdrew their children from public schools, supported policies outlawing interracial marriage, and engaged in discriminatory



practices such as redlining to keep blacks out of white neighborhoods (Wacquant 2001). Boundaries have also been maintained through the criminal justice system. Black neighborhoods have become targets of increased police presence, especially since the War on Drugs began and large populations of black males are imprisoned every year (Beckett et al. 2006; Chambliss 1994; Provine 1998; Wacquant 2001).

Several scholars have examined the role of the media on strengthening the association between blackness and crime (Beckett 1997; Beckett and Sasson 2000; Chiricos and Eschholz 2002; Entman 1992, 1994; Eschholz 2002). These studies have found that blacks are more likely than whites to appear as criminal offenders on television (Chiricos and Eschholz 2002; Walker, Spohn, and DeLone 1996). Black suspects are also more likely to be shown in police custody, associated with violent crime, and linked to gang membership and drug use (Beckett and Sasson 2000; Chiricos and Eschholz 2002; Entman 1992, 1994). Such associations contribute to public fears that blacks are inherently criminal and pose a risk for violent victimization (Eschholz 2002; Liska, Lawrence, and Sanchirico 1982). Fear of crime among whites tends to be higher in the presence of black populations, even after the crime rates are held constant (Liska, Lawrence, and Sanchirico 1982; Quillian and Pager 2001). Furthermore, most whites believe incorrectly that crime is an interracial phenomenon despite evidence that most crimes are intraracial (O'Brien 1987).

The pervasive beliefs that blacks are inherently criminal and are likely to victimize whites have had tangible consequences. Such views have become a powerful political tool for conservative politicians who capitalize on fear of black crime by enacting tougher crime control policies and who increase the use of incarceration as

punishment (Chiricos 1996; Tonry 1995). Such policies have been disproportionately levied against black communities. Blacks have a higher likelihood of being stopped by the police and are at greater risk of suffering police brutality. Black neighborhoods are more likely to experience drug crackdowns orchestrated by the police (Beckett et al. 2006; Chambliss 1994; Tonry 1995; Walker, Spohn, and DeLone 1996). Furthermore, once arrested and charged with a crime, blacks are more likely to be incarcerated and face harsher sentences than their white counterparts (Albonetti 1991; Mustard 2001). Black men, therefore, face disproportionate incarceration rates. As Miller (1994) notes, “When we talk about locking up more and more people, what we are really talking about is locking up more and more black men” (quoted in Szkowny 1994 p.11).

### **Overview: Three Essays about Mass Incarceration Contributors and Consequences**

This dissertation adds to the body of literature examining mass incarceration and its associated consequences using the combined perspectives of partisanship and racial threat. In the chapters that follow, I present three associated essays. The first two examine the determinants of increases in corrections expenditures and the expansion of privatized prisons as a consequence of mass incarceration. The third essay presents a case study of Florida that analyzes county-level influences on prison admissions. With these three studies, I demonstrate that social forces associated with political ideology and racial threat continue to be important predictors of punishment issues even when controlling for crime and other relevant factors.

In Chapter 2 - “More Money, More Problems: The Determinants of State-Level Corrections Expenditures, 2000-2010” - I analyze which factors account for increases in corrections spending. Crime control policies that created the prison boom have led to

greater costs for many states. Corrections expenditures have become the fastest growing budget item for most states aside from Medicare (Pew Center on the States 2008). Because nearly all states are legally required to operate under a balanced budget, increases in corrections expenditures create a zero-sum game with other budget items. Most notably, states have been reducing allocations for education in order to fund their ever-growing prison systems. Few studies have exclusively examined corrections expenditures, possibly because of the common assumption that spending will increase in line with prison population growth (Spelman 2009; Stuckey et al. 2007). Expenditures, however, probably can tell us more about expansions in the criminal justice system, since they cover the costs of all persons subject to that system's control including persons on probation or on parole. Additionally, some aspects of prison expenses are not based on inmate populations alone. States with death rows and supermax prisons house fewer prisoners at greater costs, partly because these facilities are more labor-intensive. Prior studies of spending have found that expenditures on prisons increases following riots, in the wake of judicial decisions on prison overcrowding, and governor's political affiliations (Jacobs and Helms 1999; Fliter 1998; Barrilleaux and Berkman 2003). Most studies that examine the effects of racial threat and partisanship on prison spending end in the 1990s, so it is unclear whether these indicators continue to predict spending through the 2000s, particularly when considering the great recession of 2008 (Jacobs and Helms 1999; Stuckey et al. 2007).

In this study, I analyze whether political and social forces continue to explain growth in corrections expenditures since 2000. Given the link between conservative ideology and harsher crime control efforts, I suggest that states with greater Republican

strength spend more on corrections in order to provide fiscal support for their punishment policies (Behrens, Uggen, and Manza 2003; Keen and Jacobs 2009; Rose and Clear 1998) Additionally, such policies are often also used to control threats posed by menacing minority groups, particularly African Americans (Beckett and Sasson 2000; Chambliss 1994; Clear 1997; Miller 1996; Tonry 1995). Therefore, the size of a state's African American population may influence spending. This study also focuses on the effects of death row inmates on corrections spending. Studies examining the expenses of death row have been largely confined to costs associated with trials and the appeals process. Yet, we know that the cost of incarcerating death row inmates is much higher, even when compared to prisoners serving life sentences. My sample time period also examines these relationships during the Great Recession of 2008 as well as part of the recovery period. Findings demonstrate whether a fiscal crisis tempers the effects of partisanship and racial threat on expenditures.

Chapter 3 - "Takin' Care of Prison Business: The State-Level Determinants of Private Prison Populations, 2000 - 2012" - relates to the prior chapter by examining expansions in prison privatization. With the growth of prison populations and corrections expenditures, several states have adopted privatization to reduce their corrections budgets. Yet, the decision to privatize is not necessarily a reaction to fiscal constraints. The literature suggests that partisanship has a notable effect these decisions in two ways. First, conservatives are more likely to support neo-liberal economic strategies that emphasize farming out government services to the private sector (Jing 2012; Morris 2007). Second, Republican support for the crime control policies has led to the growth in the private prison industry (Hallet 2006; Selman and Leighton 2010). The introduction of

tough “law and order” policies, the increasing severity of criminal sentences, and the elimination of parole have funneled more people into the prison system and kept them there for longer periods of time. Many states have inadequate space to house so many people, which results in overcrowding. At the same time, corrections costs continue to rise in the wake of shrinking revenues and a slow recovery from the 2008 recession, making it hard for states to expand corrections facilities. States have, therefore, increasingly turned to the private sectors to help address prison overcrowding and rising costs associated with prison construction and management. Private prisons generally advertise that they can perform these services cheaper because they are not constrained by government building regulations and are not required to hire union labor (Culp 2005; Harding 1997; Kim 2012; Matthews 1989).

Minority threat posed by African Americans should explain expansions in privatization, especially in the South. In Chapter 3, I suggest that, because Southern states have a history of using convict leasing - a for-profit prison system - to resubjugate newly freed black slaves and exploit their labor, black populations in the South should be an important predictor of privatization. Hallet (2006) notes that when comparing modern-day private prisons to convict leasing there are three important similarities. First, both systems have been employed to mitigate black threat through incapacitation. Second, convict leasing and modern-day private prisons have been used as a tool to manage poor black populations instead of expanding welfare and other social services that would reduce the disparities between blacks and whites. Lastly, both prison systems were a response to fiscal crises. In the aftermath of the Civil War’s devastation in the South, convict-leasing provided money to struggling state and local governments and was used

to rebuild infrastructure and industry in the former Confederate States. The current privatized system was created in response to rising corrections costs in the wake of mass incarceration. Controlling for economic indicators, crime and social disorganization, I determine whether ideology and minority threat explain increases in the use of private prisons.

Finally, in Chapter 4 - “Long Hard Times to Come: Race, Politics, and Prison Admissions in Florida, 2001-2010” - I offer a more traditional study on the determinants of prison admissions. Using Florida as a case study, I examine whether county-level effects influence growth in prison admission rates. Like the previous two chapters, I concentrate on political and race effects. Such indicators are especially compelling when examining Florida. The state’s history of harsh punishment including convict leasing, chain gangs, and brutal conditions at its prison farm exemplify responses to racial threat and partisan politics. Punishment, particularly toward blacks, was a political attempt by Southern whites to maintain racial dominance after the Civil War. The adoption of the black codes and later Jim Crow laws disproportionately punished African Americans for nonviolent offenses like petty theft and vagrancy and gave law enforcement officers great discretion to detain and arrest blacks (Shofner 1981). Politicians in rural areas had a stake in expanding the use of imprisonment, because prisons provided non-farm jobs in their communities (Schoenfeld 2009). Moreover, racialized punishment served to control blacks as a potential criminal threat and exploit their labor. Such historic use of harsh punishment set the stage for Florida to rely on imprisonments as their primary method of punishment (Ohmart and Bradley 1972).

In the more recent past, Florida, like many other states, has experienced severe problems with overcrowding in its prisons. Although the state attempted to enact reforms that would reduce the prison population, conservative opposition to these measures coupled with increasing fear of black crime during the crack-cocaine scare of the 1980s ultimately led the state to engage in massive prison construction. The increased prison capacity along with the adoption of severe sentencing policies by Republican governors and legislatures in the 1990s has expanded the state's ability to incarcerate (Schoenfeld 2010). Given the state's racialized and politicized history of punishment, I suggest that counties with greater Republican strength and expanding African American populations will imprison offenders at higher rates. I also consider the effects of Hispanic threat on imprisonment, since Hispanics are now Florida's largest minority group. Lastly, I consider the effects of drug courts as a method to reduce inmate admissions.

### **Summary: Data and Methods**

I analyze panel data in this dissertation. A panel data set provides repeated observations on each entity in the sample over time (Hsiao 2003). Panel datasets offer researchers several advantages. Because they provide more data, these datasets have greater degrees of freedom and the strength of the N's often will reduce collinearity among independent variables (Hurlin 2010). Panel data also give researchers the ability to model trends over time and they allow for a greater possibility to control for omitted variables (Hurlin 2010). For Chapters 2 and 3, my data sets include annual state-level data. Indicators in the dataset were compiled from a number of sources including the Bureau of Economic Analysis, Justice Statistics, and Labor Statistics, as well as the Census, the National Conference on State Legislators, the National Governor's Association, Statistical Abstract,

and the Uniform Crime Reports. In Chapter 4, I use county-level data from Florida. I constructed the dataset for this chapter using measures from the Bureau of Labor Statistics, the Census, the Florida Circuit Courts, the Florida Department of Corrections, the Florida Department of Law Enforcement, the Florida Office of Economic and Demographic Research, and the Uniform Crime Reports. The datasets used for each chapter cover time periods that begin in or after the year 2000 and include at least 10 years of analysis.



## CHAPTER 2: MORE MONEY, MORE PROBLEMS: THE DETERMINANTS OF STATE-LEVEL CORRECTIONS EXPENDITURES, 2000-2010

What are the factors that account for state corrections expenditures? For the past forty years, spending on corrections has become one of the fastest growing components in most state budgets. In the last twenty years, this spending has quadrupled, outpacing every other expenditure item except Medicaid according to the Pew Center on the States (Moore 2009; Stenberg 1994). This substantial spending increase has also paralleled the vast expansion of the prison population. There are several studies that examine rising prison admissions and population rates (Blumstein 1988; Greenberg and West 2001; Jacobs and Carmichael 2001; Keen and Jacobs 2009; Schneider 2006; Smith 2004; Western et al. 2006). Yet, there are only a few studies that specifically examine corrections' expenditures (Spelman 2009; Stuckey et al. 2007). This lack of focus on expenditures may stem from the belief that such spending is automatically tied to increases or reductions in crime or sentencing policies that would affect prison admissions. If so, it is not surprising that most of the research focused on the "prison boom" examines populations rather than costs.

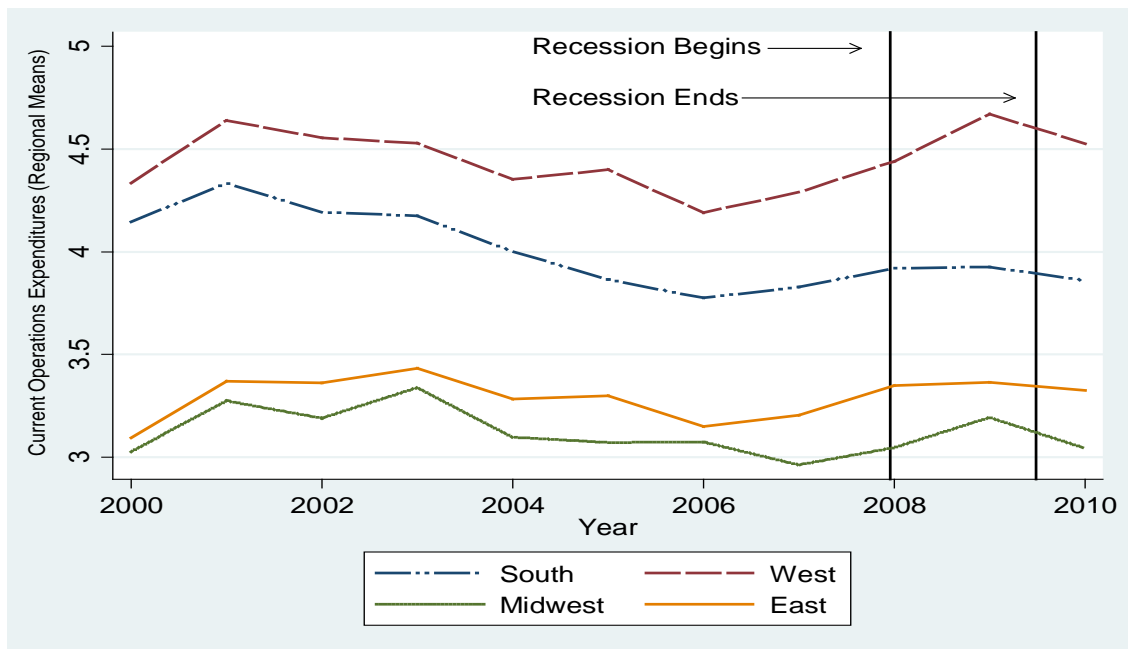
The relatively exclusive emphasis on incarceration rates is unfortunate, because spending may reveal the effects of criminal and minority threat on political and economic decision making better than incarceration rates alone (Jacobs and Helms 1999). Corrections' expenditures are a comprehensive indicator of expansions in the criminal justice system, because they take into account that some aspects of prisons cost more

regardless of the number of inmates. One such factor could be the presence of a death row. In their issued law review, Spangenberg and Walsh (1989) argue that states that imprison capital offenders on death row may spend more on those inmates than they do on prisoners with life sentences. Increases in the number of death row inmates could augment corrections costs without a dramatic increase in the overall incarceration rates. Moreover, states that operate supermax prisons, where these death row inmates are typically held, can spend up to three times more per cell than a maximum security prison (Ross 2007). Expenditures also account for non-prisoners who are still directly subjected to the authority of the criminal justice system including persons on probation, parole or in diversionary programs such as rehabilitation.

Prior investigations of corrections expenditures have examined a number of different factors to explain increasing or decreasing costs. The literature has found associations between spending and riots (Jacobs and Helms 1999), judicial decisions (Fliter 1998), and governor's political affiliation (Barrilleaux and Berkman 2003). Additionally, Stuckey et al. (2007) presented a multivariate model demonstrating that partisanship, racial threat, citizen concerns, crime, policy priorities, and fiscal considerations are all factors that influence expenditures. All of these studies, however, examine spending through the late 1990s only.

Currently, there are no analyses past 2000, so it remains unknown whether any of these trends, particularly variables addressing political and economic factors, crime, and racial composition endure, especially as states are facing increasing financial pressure to balance their budgets. Several states have struggled in past years to fund agencies that are important to social welfare. Such difficulties were exacerbated during the Great

Recession, which created widespread unemployment and increased debt as markets associated with housing, construction, and banking collapsed nationwide. Because all states, except Vermont and Wyoming, are constitutionally compelled to operate under balanced budgets, money for some programs must be cut if other components of the budget require increased funding (Dilger 1998). Most states have substantially increased the amount spent on corrections and it is now estimated that on average one in every 15 dollars of a state's general budget goes toward corrections. In order to provide the necessary appropriations for corrections, funds are often diverted from other budget items, particularly higher education (Pew Center 2009). Figure 1 shows the average amount spent on current operations for corrections in the United States by region. It is interesting that during the Recession, there were increases in expenditures in the West and Midwest while the South and East remained relatively stable. Such trends suggest that factors aside from fiscal ones may influence spending on corrections. Determining the factors that drive spending growth could help states make more informed decisions about whether these forces can be controlled.



**Figure 1. Average Corrections Current Operations Expenditures by Region, 2000-2010**

When examining criminal justice outcomes generally, several studies have suggested that political ideology may produce harsher consequences, especially for minority populations (Behrens, Uggen, and Manza 2003; Keen and Jacobs 2009; Liska, Lawrence, and Benson 1981). Conservative politicians often support more punitive crime policies that shift government funding toward penal institutions (Beckett 1997; Rose and Clear 1998). Prior research shows that Republican strength explains increased imprisonment rates (Jacobs and Carmichael 2001; Smith 2004; Western 2006). Because politicians are responsible for budget decisions, partisanship may influence corrections expenditures.

Race should also matter. As Walker et al. (1996, p. 232) observe “The American criminal justice system has never been, and is not now, color blind.” It is well-established that African Americans are imprisoned disproportionately when compared to whites

(Donziger 1996; Keen and Jacobs 2009; Miller 1996; Tonry 1995; Western 2006).

Although blacks represent less than 14 percent of the general population, they comprise nearly 40 percent of the prison population (Sabol and West 2011; U.S. Census 2010).

Such disparities in incarceration cannot be tied to crime rates alone (Western 2006).

African Americans have long represented a “symbolic assailant” in terms of their association with crime (Skolnick 1969). This narrative has been co-opted by politicians who associate public disorder with potentially threatening minority groups rather than large-scale changes in the economy or in social arrangements that could affect crime rates (Beckett and Sasson 2000; Clear 1997; Parenti 1999). Keen and Jacobs (2009) further argue that a likely explanation for a disproportionately high concentrations of African American inmates stems from historical racial prejudice and the framing of blacks as likely criminals. These factors result in policies that promote social control for African Americans via incarceration. But, this control comes at a great cost to states.

In this study, I examine whether corrections expenditures since 2000 continue to be affected by partisanship and minority threat, especially in the presence of increasing pressures such spending places on state budgets. The influence of non-fiscal factors is particularly important to consider during this time period in light of the Great Recession. Although there have been a few studies examining the effects of race and politics on expenditures (Jacobs and Helms 1999; Stuckey et al. 2007; Spelman, 2009), this study is novel in that it directly assesses whether the size of death row populations affects corrections spending. These relationships are estimated using pooled-time series with panel-corrected standard errors from 2000-2010 based on 500 state-years.

## THEORY

### Racial Threat

Increased corrections expenditures may be a response to minority threat. Minority groups, especially African Americans, have traditionally been managed by majority whites through institutional controls such as slavery, Jim Crow laws, urban ghettos, and prisons, which have reproduced a dominant-subordinate relationship between whites and blacks throughout American history (Key 1949; Provine 1998; Wacquant 2001). Such controls have helped to perpetuate the association between “blackness and crime.” Prior to the Civil War, white Southerners did not consider African Americans a criminal threat because they were controlled by slavery. After the war, however, former slaves were no longer regulated by white owners and became regarded as a potentially threatening population. Lynchings soon replaced slavery as a new social control method, and operated as a form of state-sponsored terrorism that discouraged blacks from challenging the racial caste system (Ayers 1984; Jacobs, Carmichael, and Kent 2005; Tolnay and Beck 1996). Such lethal violence against African Americans was generally carried out under the pretense that the accused had committed some sort of heinous crime against a white person such as robbery, rape, or murder (Griffin 1993). After the passage of Civil Rights laws in the 1960s, repression through vigilante violence and Jim Crow was no longer acceptable. To maintain boundaries between themselves and African Americans, whites abandoned public schools, protested against blacks who moved into white neighborhoods, supported legal policies that impeded racial mixing, increased police presence in black neighborhoods, and *imprisoned* disproportionate numbers of black males (Beckett et al. 2006; Chambliss 1994; Provine 1998; Wacquant 2001).

The depiction of African Americans as a potentially criminal population has intensified with crime programming on television and the news (Beckett 1997). Black suspects in stories on news programs are more likely than white suspects to be shown in police custody, associated with drug use and gang membership, and linked to violent crimes (Beckett and Sasson 2000; Entman 1992; Entman 1994). This association also contributes to powerful public fears about the risks of being victimized by a minority group member (Liska, Lawrence, and Sanchirico 1982). Studies (Liska, Lawrence, and Sanchirico 1982; Quillian and Pager 2002) have found that as the number of blacks in an area increase so does fear of crime among whites *net of the crime rates*. Although evidence shows that blacks and whites are far more likely to engage in intra-racial violence (Jacobs and Wood 1999; O'Brien 1987), fear of victimization by a minority nevertheless persists among whites.

The association between blackness and crime has transformed black males into a “symbolic assailant,” a likely perpetrator of crime who must be controlled (Skolnick 1969). Elevated levels of social control are employed where there are larger minority populations. Such measures may come about through formal legal methods such as policing (Chambliss 1994) and legislation advocating harsher punishments. Another social control method is incarceration (Wacquant 2001), which removes members of a threatening population from the larger society. Chambliss (2001) argues that “...urban poor, African Americans are disproportionately the subjects of law enforcement activities at all levels, from arrest to imprisonment” (p.67). To further illustrate this point, Bonczar (2003) finds that as of 2001, one in six African American men will probably be incarcerated. He estimates that if such trends continue we can expect this rate to increase

to a one in three chance that a black man in the United States will end up in prison during his lifetime. Therefore, if African Americans represent a potential criminal threat in need of control, *I expect states with large or expanding black populations to spend more on corrections.*

Based on their repressive and violent racial history, the desire to control blacks via incarceration should be more pronounced in the South. Historical evidence supports this expectation. After the Civil War, prisons experienced a dramatic shift in their racial composition. Black incarceration spiked not only because blacks were considered threatening to white racial superiority, but they also served as a vital labor resource in an economy that had still not adapted to production without large populations of slaves (Adamson 1983, 1984; Myers and Massey 1990; Spitzer 1975). To address this labor shortage, many Southern states began imposing harsher penalties for petty crimes such as theft, which were targeted at blacks. By 1890, Alabama's prison population was ninety percent black whereas whites accounted for just four percent (Hallett 2006). Additionally, prior to the Civil War, rural "black belt" counties rarely imprisoned criminal offenders, but after the war they became substantial suppliers of inmates to Southern prisons. Once incarcerated, a convict lease system was instituted that released black inmates to private contractors where their labor was exploited by the planter class and the owners of railroads, mines, and logging companies that were industrializing the South (Curtin 2000; Hallett 2006). This convict lease system received wide social support from whites who believed this arrangement was the most successful method of dealing with the "black crime problem" (Curtin 2000). A problem that was created "...as the rationale for reinstating race-based forced labor as well as reasserting white supremacy" (Hallett



2006 p 53). Due to the region's antagonistic racial history and desire to impress blacks into forced labor, *I expect to find that African American populations have a strong effect on corrections expenditures in the South.*

Hispanics are currently the fastest growing minority population in the United States. In recent decades, they have faced increasing prejudice and antagonism from whites due in part to controversy surrounding illegal immigration and stereotypes of Hispanics (Castro 1998) as being involved in drug trafficking, drug use, and gang violence (Greenberg and West 2001; Papachristos 2005). Several studies also suggest that whites are likely to see Hispanics as potentially threatening and react by instituting more severe crime control measures to mitigate any real or perceived threat they may present (Anderson 1995; Healy 1995; Holmes 2000; Steffensmeier and Demuth 2000). If the minority threat hypothesis is correct, *I also expect to find increases in corrections expenditures where there are large or expanding Hispanic populations.*

### **Political Explanations**

Increases in corrections expenditures may be tied to political factors. Whitman (2003) argues that criminal punishment is substantially more politicized in the United States than in other countries. Because the United States is a representative democracy, voters have more control over criminal punishment since they elect politicians responsible for legislation and spending on the criminal justice system (Jacobs, Qian, Carmichael, and Kent 2007; Savelsberg 1994; Whitman 2003). As David Garland notes (1990 p. 192) "More than most legal phenomena, the practices of prohibiting and punishing are directed outwards, towards the public – towards 'society' – and claim to embody the sentiments and the moral vision not of lawyers or judges, but of 'the people.'" The politicization of

criminal justice issues became more apparent during the late-1960s when Republicans adopted “law and order” appeals emphasizing the need for severity when dealing with criminals (Beckett 1997). Such appeals tend to resonate with conservatives, a group likely to view criminals as amoral people who freely choose to engage in crime. This view often puts conservatives at odds with liberals, who believe that criminal acts are a consequence of structural constraints such as poverty rather than individual character or lack of self-control. Liberals instead are inclined to argue that public policies should address rehabilitation and alleviating the conditions that lead to crime (Garland 2001; Taylor, Walton and Young 1973).

Jacobs et al. (2007) argue that within a direct democracy like the United States ideologies are crucial to punishment decisions, because voters influence criminal justice policies. The officials that they elect are responsible for an array of criminal justice decisions, including spending. Based on their ideologies, elected officials may choose to spend money on reactive strategies such as expanding punitive criminal justice programs or proactive strategies that focus on social programs charged with preventing crime or rehabilitating former criminals (Hallet 2006).

Republicans have gained traction with voters through their use of wedge issues, especially those associated with crime and public safety. Officials in the Richard Nixon and George H.W. Bush campaigns admitted that they often focused on street crime to attract anti-minority voters (Carter 1996; Ehrlichman 1982; Jacobs, Qian, Carmichael, and Kent 2007). The appeal to these voters was partially due to the use of racial code words to solidify the association between street crime and racial and ethnic minorities in the voter’s minds and generate support for the Republican “law and order” platform

(Mendelberg 2001). During his 1968 presidential campaign, one official from the Nixon camp indicated they encouraged racists to vote for Nixon by “inserting subliminal appeals to the anti-black voter” in his campaign speeches and statements (Erlichman 1982). These messages have become an effective tactic for Republicans, because they resonate with less educated, lower-class, white voters who otherwise would be likely to vote Democratic. Because of their lack of education, this group is less likely to be tolerant of minorities, and thus provide enough votes to Republicans to win elections (Scheingold 1991).

The presidential campaign for George H.W. Bush used the infamous “Willie Horton” television ad to demonstrate to voters that Bush’s opponent, Governor Michael Dukakis was “soft on crime.”<sup>1</sup> Other Republican candidates such as George Pataki of New York and Tom Ridge of Pennsylvania campaigned successfully by using ads that attacked their opponents for being too passive about violent crime (Mendelberg 2001). Candidates who advocate harsh criminal punishments are likely to gain increased support from voters in states with a large minority presence (Heer, 1959; Giles and Buckner, 1993; Giles and Hertz, 1994). Republicans have successfully employed messages that accentuate public perceptions about the association between minorities, those who engage in “venal underclass lifestyles,” and their propensity towards crime (Beckett, 1997; Jacobs, Qian, Carmichael, and Kent, 2007). Thus, *states with greater Republican*

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<sup>1</sup> Dukakis was the governor of Massachusetts, a state that allowed prisoners to partake in weekend furloughs as part of a criminal rehabilitation program. Willie Horton, a black inmate who was sentenced to life imprisonment without parole for murder was allowed out on one of these furloughs. At the end of his furlough, Horton did not return and authorities discovered that he had raped a white woman twice and assaulted her fiancé. Bush’s ad featured the couple who were victimized by Willie Horton, and blamed Dukakis for letting criminals roam the streets (Carter 1996).

*strength are likely to spend more on corrections in order to control the threat of street crime.*

### **Increased Expense of Death Row**

A major factor that should affect the amount spent on corrections is the type of prisoners the corrections system must control. Although most of the expense attached to death row inmates is associated with court costs, these prisoners also create considerable financial demands on the corrections system because they often require housing in correctional facilities with the highest security levels, such as supermax prisons. Inmates housed on death row tend to occupy single cells, require meals and other items to be brought to them by prison staff, and engage in recreation alone under heavy supervision (California Commission 2008). These necessities make housing death row prisoners expensive because they require more staff than maximum security prisons where inmates eat and exercise in groups. Additionally, housing death row inmates in single cells is an inefficient use of prison space, especially when considering the growing number of prisons operating beyond capacity (California Commission 2008).

According to the California Commission on the Fair Administration of Justice, the expenses associated with housing just one death row inmate cost the state an additional \$90,000 annually compared to housing the same prisoner in a standard maximum security prison. In 2008, California's death row population totaled 667, which when multiplied by \$90,000 resulted in an additional \$63.3 million in corrections costs to the state that year (California Commission 2008). Although not as staggering as the California figure, Tennessee and Florida also report that their death row prisoners cost more than other inmates. In 2012, Tennessee spent \$928,000 to house their 85 death row prisoners, with

each prisoner costing the state an extra \$11,000 annually (Tennessee Department of Corrections 2012). Florida's average cost for their 384 death row inmates was an additional \$8700 per prisoner (The Florida Legislature Commission on Capital Cases 2008). Despite this variation in associated expenses, death row inmates clearly tend to be more costly. It is reasonable to expect that *states with larger death row inmate populations will spend more on corrections.*

When determining how much influence capital punishment wields on corrections spending, other factors should be taken into account. The analysis includes thirty-seven states that authorize capital punishment, which results in death row populations ranging from zero to over 600 inmates.<sup>2</sup> Yet, the simple presence of the death penalty as a punishment option is not the only explanation for such variability in the number of inmates on death row. Regional differences might account for such drastic fluctuations. Areas that are politically conservative and places with larger minority populations are much more likely to favor the use of capital punishment (Baumer et al. 2003) and are more likely to actually execute death row prisoners (Jacobs et al. 2007). Regions with a tradition of vigilante violence are also more likely to support the death penalty than areas without this history (Jacobs, Carmichael, and Kent 2005). This trend is especially pronounced in the South, which has a brutal legacy of lynchings and produces the highest execution rates in the country (Zimring 2003). *Therefore, regions with characteristics leading to a higher likelihood of support for capital punishment should have larger death penalty populations, and thus spend more on corrections.*

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<sup>2</sup> Since 2007, six states including Connecticut, Illinois, New Mexico, New York, New Jersey, and Maryland have repealed capital punishment. In some of these states, however, abolition of the death sentence only applies to future punishments, so inmates previously sentenced may remain on death row.

### **Additional Controls**

One of the components of the corrections expenditures dependent variable is costs from staff. Prisons are labor intensive and staffing costs can account for 65 to 70 percent of prison expenditures (Irwin and Austin 2001). Prison unions often work to increase benefits and salaries for their members. As their membership increases, so do their financial resources, which give the unions' political clout. Several authors have concluded that such unions have grown during the prison boom and have benefited from mass incarceration. These unions actively worked against reforms that would downsize prisons in order to protect jobs and political capital (Gottschalk 2006; Jacobson 2005; Page 2011).

Annual unemployment rates for each state from the Bureau of Labor Statistics are also included in the analyses. Economic factors are often used as an explanation for increases and decreases in the crime rate based on the Marxist perspective that punishment controls the supply of labor (Rusche and Kirchheimer 1939). Research that has examined the association between unemployment and imprisonment has not been able to definitively demonstrate that the two factors are linked (Chiricos and Delone 1992). Yet, higher rates of unemployment could be considered threatening, especially since unemployment significantly increased during the Great Recession. Those who are out of work might be expected to commit crimes as a source of income when legitimate employment avenues are unavailable and thus increase the demand for harsher punishments. Because of the close tie the electorate has on criminal justice decisions in the United States, a demand for harsher punishments may lead to an increase in

corrections spending (Jacobs, Qian, Carmichael, and Kent 2007; Savelsberg 1994; Whitman 2003).

## **DATA & METHODS**

### **Dependent Variable and Sample**

The dependent variable is the total current operations costs for the corrections system divided by state personal income times 1000. Expenditures represented by this variable include costs associated with day-to-day management of prisons, probation, and parole programs, which reflect spending on prison maintenance, prisoner care, programs and staff, but they do not include outlays for prison construction. Among the indicators that could be used to examine corrections spending, current operations expenditures are the most conservative, because the measure is not as sensitive to major fluctuations created by construction projects. To construct this variable, I used data from the Census Bureau's annual reports on state spending and revenue. This variable covers the period from 2000 through 2010, which yields a 500 state-year sample.

### **Explanatory Variables**

I expect that states with larger minority populations will spend more on corrections, in an attempt to control these potentially menacing groups. To test this hypothesis, I measure the percentage of African Americans and the percentage of Hispanics with data obtained from the Census. Due to the South's antagonistic racial history, it is likely that black populations will have a greater effect on corrections spending in this region. To account for this possibility, I interact the percentage of African Americans with a dummy variable coded "1" for southern states.

Prior studies indicate that Republicans favor and enact harsher crime control measures. It is likely that states where Republicans control the executive and legislative branches will spend more on corrections. To determine the effects of Republican strength, I employ two measures. The first is a dummy variable that codes states with Republican governors as 1 and states with governors who are Democrats or Independents as 0. Based on the research of Barrileaux and Berkman (2002) and Davey (1998), we know that in many states, governors have substantial control over state budgets and penal policies. The second variable that captures Republican strength measures the percentage of Republicans in the state legislature. State legislators craft criminal statutes and they also influence the state budget process. This measure removes Nebraska from the analysis due to that state's nonpartisan legislature, which reduces the sample to 490 state-years. I obtained data for both variables from the "Elections" section of the *Statistical Abstract*.

Because death row inmates are generally more expensive than inmates in a general population to imprison, it is likely that larger populations of these prisoners will inflate corrections expenditures. I include a count of the number of death row prisoners for each state annually. These data were obtained from the Bureau of Justice Statistics' series of annual reports entitled *Capital Punishment*. To account for possible regional effects, I coded four regional dummy variables: South, West, Midwest, and East and interact these regions with the death row count variable.

### **Control Variables**

To capture the amount of crime, I use the rates for both the violent and property index crimes reported by the Federal Bureau of Investigation's annual *Uniform Crime Reports*.



Since unemployment may also be associated with crime and imprisonment rates, data measuring average annual unemployment rates are included in the models. These data are from the Local Area Unemployment Statistics series produced by the Bureau of Labor Statistics.

Unions exert influence on spending. Prisons and other aspects of corrections are labor intensive, and staff account for a substantial portion of corrections expenditures. Unions can pressure state departments of corrections for staffing minimums, higher salary and benefits, especially in areas where union strength is pronounced. To control for union strength, I use a percent union membership in each state reported in *Statistical Abstract*.<sup>3</sup>

There are two factors to consider related to state economies. One such factor is a state's real median household income, which includes all income earned by those who reside in the household over the age of 15. Because tax dollars are the main source of revenue for states, decreases in household income would result in decreases in income tax and lower rates of consumer spending leading to a decrease in revenues. Such increases or decreases could affect corrections budgets. This measure comes from the Census. The construction or expansion of prisons should also increase expenditures. I include a figure for capital outlays annually from data obtained in the Census Bureau's annual report on state revenues and spending. Since the effects of the additional construction would not result in increased staff and prisoners immediately, this variable is lagged five years.

People who subscribe to conservative ideologies are more likely to support "law and order" crime control methods including harsh punishments like prison. High rates of

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<sup>3</sup> This measure captures the overall strength of unions within the state. Therefore, the variable includes all unions, not just unions that represent corrections officers.

employment in agriculture are linked with political conservatism. To control for this effect, I use a variable that measures the percentage of the workforce employed in agriculture for each state, reported by *Statistical Abstract*.

Finally, I include a variable measuring state population in the models. Larger states are more likely to fully utilize indivisible prison components; therefore, it is necessary to account for the effects a large or small population may have on a state budget.

### **Estimation**

The models are estimated using panel-corrected standard errors. The most notable advantage of this method is that it eliminates cross-sectional and longitudinal serial correlation. It is reasonable to assume that states may model incarceration policies on those of their neighbors or on a state that becomes a focal point for changes in criminal justice policy. Additionally, corrections budgets are influenced by spending in prior years. Thus, serial correlation is likely to be present. Estimation with panel-corrected standard errors reduces such disturbances and also corrects for heteroskedasticity across cross-sectional units (Beck and Katz 1995).

I employ a fixed-effects approach. Fixed-effects models handle omitted variable bias better than random-effects because they automatically hold constant any case characteristics that do not change (Johnston and DiNardo 1997). A fixed-effects approach produces unbiased estimates when unmeasured time-invariant attributes associated with the explanatory variables influence the dependent variables. One example of a time-invariant attribute could be cultural values. It is reasonable to believe that cultural values may have some important effects, but this variable would be difficult to operationalize.

Additionally, cultural values do not change rapidly over time. To produce fixed effects for these models, I enter a dummy variable for each year and state in the models.

Because changes in demographics, partisan control, crime rates, and other variables would not instantly affect expenditures, all explanatory variables except for capital outlays are lagged by one year.<sup>4</sup> To account for nonlinearity and skewness some of the explanatory variables are logged. These variables include: percent black, percent Hispanic, the violent crime rate, the property crime rate, unemployment, median household income, population, and capital outlays. All the coefficients on the explanatory variables should be positive. The general specification for the panel-correct standard errors model with fixed effects is:

$$\begin{aligned}
 \text{Correction Expenditures/Personal Income} = & \mathbf{b}_0 + \mathbf{b}_1 \%Black + \mathbf{b}_2 \%Hispanic \\
 & + \mathbf{b}_3 \text{ Republican Governor} + \mathbf{b}_4 \% \text{ Republican Legislature} + \mathbf{b}_5 \% \text{ Death Row Prisoners} \\
 & + \mathbf{b}_6 \text{ Violent Crime Rate} + \mathbf{b}_7 \text{ Property Crime Rate} + \mathbf{b}_8 \% \text{ Union} \\
 & + \mathbf{b}_9 \% \text{ Unemployment} + \mathbf{b}_{10} \text{ Median Household Income} + \mathbf{b}_{11} \text{ Population} \\
 & + \mathbf{b}_{12} \text{ Employed Agriculture} + \mathbf{b}_{13} (\%Black \times South) + \mathbf{b}_{14-17} (\text{Death Row Prisoners} \times \\
 & \text{Region}) + \mathbf{b}_{18} \text{ Capital Outlays} + \mathbf{b}_{19-29} \text{ Year} + \mathbf{b}_{30-79} \text{ State} + \mathbf{e}
 \end{aligned}$$

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<sup>4</sup> As stated earlier, capital outlays are lagged by five years.

## Descriptive Statistics

Table 1 shows the means, standard deviations, and predicted signs for the dependent variable and continuous explanatory variables.

**Table 1. Expected Signs, Variable Means, and Standard Deviations (N = 490 state-years)**

Variable	Expected Sign	Mean	Std. Dev.
Current Operations Corrections Expenditures/1000 Personal Income	-----	1.285	.296
Ln % Black	+	1.779	1.204
Ln % Hispanic	+	1.763	.948
% Republican Legislature	+	48.502	15.246
# Death Row Inmates	+	65.933	122.280
Ln Violent Crime Rate	+	5.882	.480
Ln Property Crime Rate	+	8.059	.253
% Union Membership	+	11.564	5.619
Ln. % Unemployment	+	1.680	.347
Ln Median Household Income	+	10.736	.167
Population	+	15.112	1.014
% Employed in Agriculture	+	2.154	1.650
Ln. Capital Outlays	+	9.539	1.584

## ANALYSES

### Pooled-Time Series with Panel-Corrected Standard Errors and Fixed Effects Estimations

I begin with a baseline model and hold constant additional effects in subsequent models. Model 1 in Table 2 includes the percentage of African Americans, the percentage of Hispanics, Republican governor, Republican legislators, and death row inmates, along with violent crime and property crime rates. In this model, the coefficients for two explanatory variables are significant. As predicted, the threat hypothesis is supported in regard to African Americans. Since the percentage of black and current operations expenditures variables are logged, they can be interpreted as elasticities. These results show that a 10 percent increase in African American populations leads to a 1.2 percent

increase in corrections expenditures. Another prediction that is supported is the positive effect of death row inmates on corrections spending.

**Table 2: Pooled-Time Series with Panel-Corrected Standard Errors Estimates of the Determinants of Corrections Expenditures with Fixed Effects One Year Lags (N = 490 State Years; Corrected for Serial Correlations)**

	Model 1		Model 2	
	<u>Coef.</u>	<u>Std. Err.</u>	<u>Coef.</u>	<u>Std. Err.</u>
Ln. Percent Black	.1180**	.0402	.1148**	.0421
Ln. Percent Hispanic	.1445	.0774	.1050	.0744
Republican Governor	-.0112	.0077	-.0058	.0080
Percent Republicans Legislature	-.0009	.0008	-.0003	.0008
# of Death Penalty Inmates	.0011***	.0003	.0010***	.0002
Ln. Violent Crime Rate	-.0132	.0403	-.0189	.0371
Ln. Property Crime Rate	-.0566	.0652	-.0729	.0651
Percent Union Membership	-----	-----	.0069*	.0031
Ln. Percent Unemployment	-----	-----	-.0328	.0279
Ln. Median Household Income	-----	-----	.1095	.0739
Ln. Population	-----	-----	-.6299***	.1311
Percent Employed in Agriculture	-----	-----	-.0052	.0255
Intercept	1.0501	.6062	9.7221***	1.858
R <sup>2</sup>	.9435		.9460	

Significance: \* $\leq .05$  \*\* $\leq .01$  \*\*\* $\leq .001$  (two-tailed tests)

In Model 2, all prior results remain when I control for union membership, unemployment, median household income, population and employment in agriculture. The significant coefficients on death row inmates and the percentage of African Americans support my earlier predictions that these variables contribute to increased

corrections expenditures. Such relationships persist despite significant relationships between union strength and population and the dependent variable.

In Model 3 presented in Table 3, I add regional interactions between African American presence and between death row prisoners. The interaction between African American population and South suggests that black populations in this region contribute to increased corrections spending. The effect of South and African American population results in an 8.3 percent increase in spending when there is a 10 percent increase in the percentage of blacks in this region. The interaction between death row inmates and regions also yields some noteworthy relationships. The joint effects of South, West and the Midwest regions when each is interacted with death row inmates produce a positive and significant relationship. To verify this significance, I perform a Wald Test to determine whether the interaction between death row prisoners and region differ significantly from zero and if there is joint significance. The first test reports a chi-square statistic of 26.21 and an F-statistic of .000, which means that the overall interaction is significant. I run an additional test to establish whether the regions in the interaction differ significantly from each other. The second test reports a chi-square statistic of 20.73 and an F-statistic of .000, indicating that the coefficients for each regional interaction differ significantly. Model 4 adds capital outlays, which is lagged by five years. The relationship and significance levels between corrections expenditures and the variables measuring African American population and death row inmates as well as their respective regional interactions do not change.

**Table 3: Pooled-Time Series with Panel-Corrected Standard Errors Estimates of the Determinants of Corrections Expenditures with Fixed Effects and One Year Lags (N = 490 State Years; Corrected for Serial Correlations)**

	Model 3		Model 4	
	Coef.	Std. Err.	Coef.	Std. Err.
Ln. Percent Black	.1384**	.0467	.1307**	.0476
Ln. Percent Black x South	.8293*	.3538	.8188*	.3548
Ln. Percent Hispanic	.1249	.0789	.1261	.0820
Republican Governor	-.0093	.0076	-.0097	.0079
Percent Republicans Legislature	-.0004	.0008	-.0005	.0008
# of Death Penalty Inmates x South	.0008***	.0002	.0008***	.0002
# of Death Penalty Inmates x West	.0030***	.0007	.0030***	.0007
# of Death Penalty Inmates x Midwest	.0007**	.0003	.0007**	.0003
# of Death Penalty Inmates x East	-.0002	.0013	.0001	.0012
Ln. Violent Crime Rate	.0039	.0399	.0071	.0388
Ln. Property Crime Rate	-.1076	.0645	-.1247	.0649
Percent Union Membership	.0076*	.0032	.0085**	.0032
Ln. Percent Unemployment	-.0315	.0259	-.0360	.0263
Ln. Median Household Income	.0867	.0757	.0790	.0755
Ln. Population	-.6192***	.1244	-.6121***	.1246
Percent Employed in Agriculture	.00067	.0266	.0038	.0263
Ln. Capital Outlays (5 Year Lag)			.0078	.0041
Intercept	7.1741***	1.9387	7.2596***	2.0310
R <sup>2</sup>	.9484		.9487	

Significance: \* $\leq .05$  \*\* $\leq .01$  \*\*\* $\leq .001$  (two-tailed tests)

## **Model Sensitivity**

In other models (not shown), I tested a variable measuring political ideology. Berry et al.'s (1998) index measuring citizen ideologies based on votes for conservative or liberal congressional representatives did not have a significant effect on corrections expenditures. Republican votes for president was also tested as an indicator of Republican strength. Like the political ideology measure it had no effect. The model passes the linktest for specification error.<sup>5</sup>

## **DISCUSSION**

### **Results**

I find consistent theoretical support for two of my hypotheses. Racial threat and the presence of death row inmates were related to increased outlays, even after controlling for crime rates, economic effects, and population. Although the percentage of African Americans was positively associated with expenditures, especially when it is interacted with the South, I did not find a significant relationship between the percentage of Hispanics and expenditures. This result is not surprising. Although Hispanics are associated with crime via gang and drug activity, they do not fill the symbolic assailant role traditionally occupied by African Americans. Jacobs, Carmichael, and Kent (2005) argue that African Americans have been the primary victims when considering “the exceptionally violent and divisive conflicts about race throughout U.S. history.”

Perhaps the most interesting finding is that death row inmates present significant corrections costs. It has been well-documented that death row prisoners are more

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<sup>5</sup> The linktest, which tests for whether a model is specified correctly, is not available specifically for pooled-time series analyses in Stata. This test, however, can be run after a standard OLS regression. The test is not significant, which indicates that the models are correctly specified.



expensive than other prisoners, including those sentenced to life without parole, but most of the discussion about the cost of death row prisoners has focused on trial and appellate court expenditures. My results demonstrate that additional death row inmates increase total costs of corrections, although these expenses vary by region.

## **Conclusion**

The positive effect of death row inmates on corrections expenditures is a matter that states should consider as they continue to face budget shortfalls. To address these deficits, states must increase revenue through privatization and taxation or reduce spending. Because most politicians avoid tax increases, especially when they are close to re-election, a more feasible option is for states to examine whether capital punishment is a sustainable practice. From a fiscal perspective, eliminating the death penalty or at least changing the way death penalty inmates are housed could help states reduce corrections costs. Several studies suggest that these populations may not necessarily be “an incorrigibly violent group” (Cunningham, Reidy, and Sorensen 2005 p. 310). Marquart et al. (1989) found that death row inmates are statistically less likely to commit serious violent acts when compared with non-capital offenders in the general population. Sorensen and Wrinkle (1996) also compared murderers with death sentences to murders who received life with and life without parole. They found that the rate of violent offending in prison among the three groups was identical. Furthermore, death row inmates who are mainstreamed into general populations are not more likely than non-capital offenders to cause violent incidents involving other inmates or prison staff (Cunningham, Reidy, and Sorensen 2005). In cases where death row prisoners did engage in more violent acts than other types of prisoners, researchers found that such prisoners

had a history of repeated acts of violence (Reidy et al. 2001) or such rates of violence were similar to offenders in the general population who had committed particularly violent crimes such as rape and murder (Marquart et al. 1994). Such findings undermine traditional security-driven views that all death row inmates must be segregated because they pose a greater danger than other prisoners. Reducing the number of death row prisoners housed in supermax facilities or other kinds of restrictive confinement could significantly lower costs. Additionally, states may also save money in prison construction costs by converting the spaces used to segregate death row inmates into more efficient prison housing.

This research also finds consistent support for racial threat. Net of the crime rates, large or expanding black populations are a reliable predictor of increased spending on corrections in all four models. The persistent influence of racial threat on corrections expenditures is especially interesting when considering the time period the analysis spans. From late 2007 through most of 2009 the United States experienced a devastating recession. Yet, state spending on corrections either increased or remained relatively stable in this period in each region. While the West and Midwest experienced moderate declines in spending following the recession, these declines still demonstrate greater levels of spending than before the recession. The results coupled with these expenditure trends over the last decade indicate that spending may not inevitably be a function of necessity nor is it exclusively tied to economic factors or changes in crime rates. Recall that the only controls that had a significant relationship with expenditures were unions and population. Other variables associated with economic shifts do not have a significant effect. The models also employed fixed effects, which control for changes associated

with the Great Recession that influenced all states. Controlling for economic effects did not diminish the relationship between corrections expenditures and large or increasing African American populations, which demonstrates the powerful influence racial threat continues to hold over crime control policies.

Although Republicans have made being “tough on crime” an integral part of their political platform, there is evidence that even when they are in control, Republicans do not significantly influence criminal justice policy. In my models, the variables measuring Republican governors and the percentage of Republicans in state legislatures had no effect on corrections expenditures. As stated earlier, the addition of partisan ideology and Republican votes for president also had no effect. Prior studies examining the criminal justice system during the 1980s and 1990s, have shown a clear relationship between Republican control and criminal justice outcomes (Keen and Jacobs 2009; Smith 2004; Spelman 2009). My findings, however, reveal that the strength of this relationship has possibly waned since 2000. Beckett and Sasson (2000) suggest that Democrats are also embracing tougher crime control measures in order to entice swing voters who may be more socially conservative. Greenberg and West (2001) further argue that both parties have become more conservative in response to changes in the American electorate during the 1980s and 1990s. Such developments could help to explain the nonexistent relationship between Republican strength and corrections expenditures in this study.

The evidence presented in this paper suggests that corrections expenditures are subject to increases from expanding death row populations and shifts in the black population. These findings lead to questions regarding whether corrections expenditures could be more effectively appropriated. As states continue to struggle with balancing

budgets and recovering from long-term effects of the recession, bringing spending under control has become increasingly important. One way to curb growing corrections expenditures would involve changing how we punish particular crimes in order to reduce the prison population. Eliminating capital punishment may help. Since 2007, six states have abolished the death penalty for reasons largely pertaining to human rights and skepticism about whether capital punishment actually does deter crime. Although such ethical concerns are compelling, states may be more likely to get rid of death row when such an action is framed as a cost savings measure.

### CHAPTER 3: TAKIN' CARE OF [PRISON] BUSINESS: THE STATE-LEVEL DETERMINANTS OF PRIVATE PRISON POPULATIONS, 2000-2012

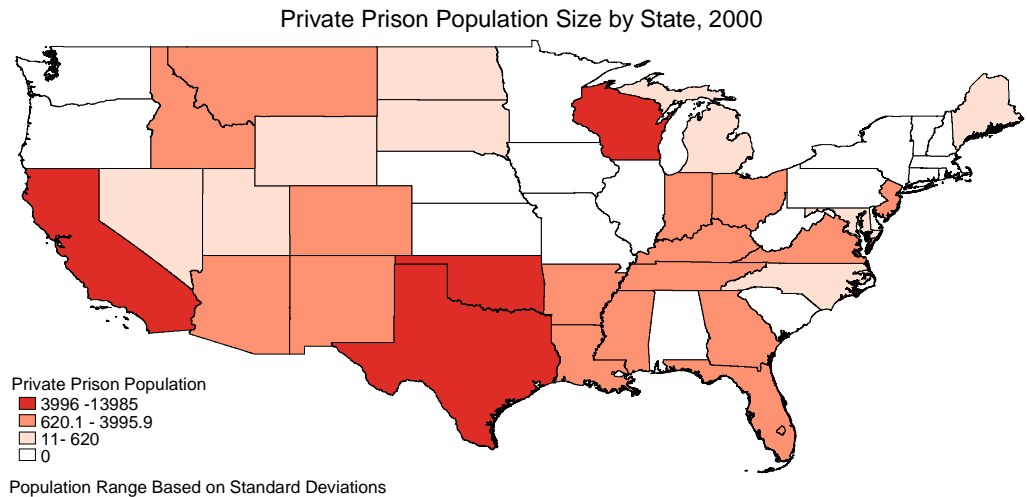
What are the state-level determinants that account for fluctuations in the private prison population? Since the 1980s, two factors have contributed to states sending more of their prisoners to private facilities. First, the adoption of a “tough on crime” policy approach, coupled with the “War on Drugs,” contributed to mass incarcerations and prison overcrowding (Hallet 2006; Kirchoff 2010). These criminal justice policies strained state budgets in terms of both day-to-day operational expenses as well as outlays for new prison construction (Greene and Schiraldi 2002; Spelman 2009; Stucky et al. 2007). Second, conservative politicians, urged by President Ronald Reagan, renewed their interest in scaling back the size of governments to encourage economic growth (Durant 1987; Hill and Hupe 2002). To accomplish this goal, Reagan promoted the idea of letting free-market capitalism shrink government by privatizing the delivery of government services (Price and Morris 2012). The appeal of privatization has been bolstered by neoliberal arguments that it is more efficient and that the government’s role in the economy should be reduced. Privatization proponents also often do not trust the size and power of the government, nor its decision-making capabilities (Price and Morris 2012). Thus, the privatization of prisons across the United States has expanded greatly.

From the period of 1999-2010, the overall prison population increased 18 percent while private prison populations grew by 80 percent (Guerino, Harrison and Sabol 2012). In 2009, nearly half of all new prison admissions were sent to private prisons (Tan 2009).

Yet, this growth has been uneven in terms of prisoner population size between states (Kim 2012). Some states incarcerate thousands of prisoners in privately maintained facilities while others have significantly smaller private prison populations. For instance, in 2012, Texas and Florida had the highest number of privately held prisoners at 18,617 and 11,701, respectively. Conversely, South Dakota and South Carolina had populations of just 15 and 16 privately incarcerated individuals (Carson and Golinelli 2013). New Mexico has the highest percentage of prisoners incarcerated in private facilities with 44 percent followed by Montana and Idaho with 39 percent and 34 percent, respectively.

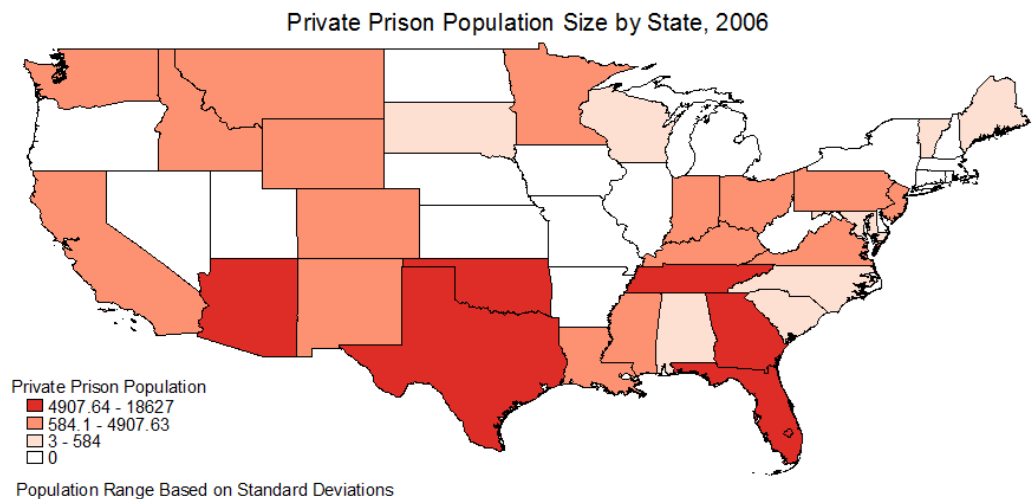
Regional adoption of prison privatization has also been uneven with most private facilities being located in the South and the West. In 2012, of the 18 states that had no privatized prison facilities, 14 were located in the Northeast and Midwest (Carson and Golinelli 2013). The concentration of private prisons in the South and the West has been attributed to a number of factors including conservative politics, different paths of economic development, labor policies before and after the Civil War, as well as varying racial and ethnic populations (Culp 2005; Hallet 2006; Harrison and Karberg 2003; Jing 2012; Shichor 1995).

Figures 2 through 4 show some of these changes in prison population size and regional adoption over time in the lower 48 states. The map in Figure 2 displays private prison populations in 2000. There are higher concentrations of private prison populations in the South and the West, with three of the four states with the largest populations located in these regions. This map also shows that 19 states did not have any prisoners incarcerated in private facilities including two Southern states, South Carolina and Alabama.



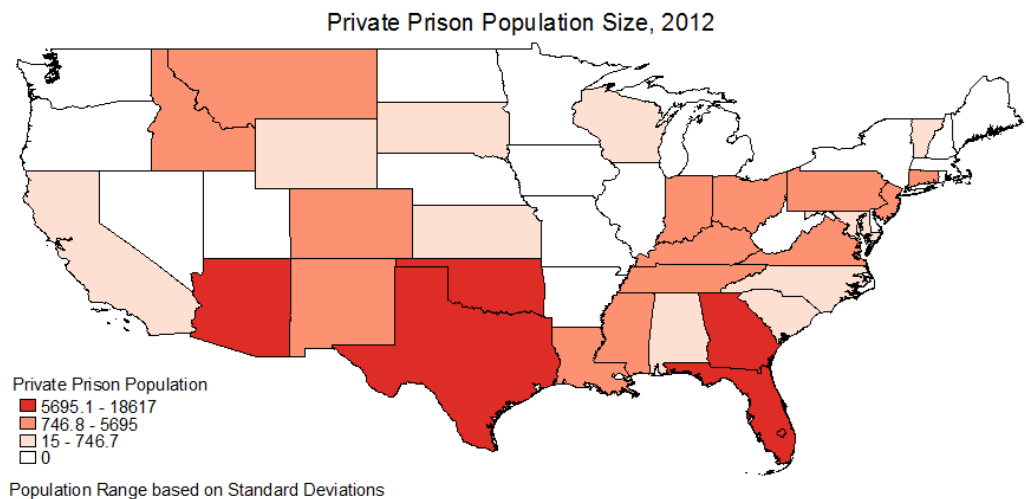
**Figure 2: U.S. Map of Private Prison Populations, 2000**

Figure 3, reflects these populations in 2006. When compared to the 2000 map, states with the largest private populations are now located exclusively in the South and the West. Additionally, Alabama and South Carolina converted some of their inmate populations to privatize facilities. Pennsylvania, Vermont, Maine, Washington, and Minnesota have also privatized some of their prison populations by this time. Meanwhile, Nevada, Utah, and Arkansas terminated privatization.



**Figure 3: U.S. Map of Private Prison Populations, 2006**

As Figure 4 shows, in 2012, the largest populations of private prisoners remained in the South. It also shows that two states, California and Wisconsin, reduced their populations dramatically. For California, the reduction in population size could be due to shipping prisoners to out-of-state facilities. Since 2000, California has exported its inmates to private prisons in Arizona, Mississippi and Oklahoma (Associated Press 2014). Additionally, several states that had adopted privatization by 2006 had - including Minnesota, Maine, and Washington - dropped it by 2012.



**Figure 4: U.S. Map of Private Prison Populations, 2012**

The rise of privatization has triggered several studies exploring the financial, ethical, and political implications of this practice. Many studies have attempted to gauge whether private prisons are indeed more cost-effective (Irwin and Austin 2001; Montague 2001; Perrone and Pratt 2003; Sechrest and Shichor 1996). Some studies claim that private prisons can be built more cheaply since privately funded prison construction projects are generally able to bypass government-regulated approval process for contractors. Private prison construction projects are subject to less government oversight overall and they can acquire materials from any supplier, not just those who are government-approved (Chaiken & Mennmyer 1987; Shichor 1995; Thomas 1996).



However, some authors criticize such studies on cost-effectiveness, claiming that accurate cost assessments cannot be determined because of unforeseen expenses and the nature of measuring costs (Gaes 2008; Useem et al. 1996). Thus far, there is no consensus on whether privatized prisons offer governments significant cost savings over a publicly financed corrections system.

Researchers are also interested in the ethical issues related to private prisons. Rose and Clear (1998) argue that the macroeconomics of criminal justice policies associated with the “tough on crime” approach have increasingly shifted government resources away from communities and toward punitive institutions. With the adoption of prison privatization, the state transfers one of its primary responsibilities - the responsibility to punish - to a private vendor. Tilly (2003) argues that punishment and control are central to a state’s ability to maintain power and legitimacy, making them a core governmental function. Privatizing corrections raises questions about whether it is right for states to delegate such an essential duty to a third party (Gran and Henry 2007; Jing 2012; Kim 2012). Some authors have noted that when states farm out punishment to a third party, it gives states a buffer from litigation that could result in financial damages if prisoner rights are violated (Breux et al. 2002; Logan 1990). Evidence of this notion is supported by the case of *Richardson et al. v. McKnight* (1997), which found that private prison guards were not entitled to the same level of immunity from liability as guards at state-run prisons.

Private prisons also face a number of other ethical and legal issues. Such prisons transfer inmates to private facilities in other states, which makes it difficult for prisoners to maintain contact with their families and legal representation. They also contract inmate

labor to other private companies. Lastly, private prison firms have a history of making donations to politicians who support harsh criminal control policies in order to maintain a steady flow of prisoners (Bender 2002; Hallet 2006; Ogle 1999; Shichor 1993; Stolz 2001; Welch and Turner 2007).

Although such studies are compelling, few studies have examined the macro-level determinants that may influence privatization of prisons. This represents a significant gap in the literature. Moreover, studies that do consider such determinants have largely utilized case studies or cross-sectional data. To date, no prior work has examined whether state-level social arrangements affect privatization over time. The few existing studies find that some combination of political, economic, demographic, and regional factors partially explain the variation in privatization across states (Chi, Arnold and Perkins 2003; Morris 2007; Price and Riccucci 2004). Price and Riccucci (2004) provide a cross-sectional study of states in 1990 analyzing the fiscal and ideological factors that could explain a state's percentage of privatized correctional facilities versus public facilities. They find that fiscal indicators such as tax effort, high corrections costs, and difficulty in financing public services could not empirically explain privatization. Conservative political representation was also not a predictor of privatization. The study's results seemingly contradict many commonly-held beliefs about the determinants of privatization.

Surveys and case studies have also examined the effects of political ideology, government failures, and fiscal pressures as determinants for states adopting privatization (Chi, Arnold, and Perkins 2003; Morris 2007; Sellers 1993). Chi, Arnold and Perkins (2003) find in their analysis of survey data from The Council on State Governments that

most states privatize corrections as a cost-savings measure. States also reported that privatizing afforded greater economic flexibility and helped them handle staffing issues. Sellers (1993) offers a small comparative case study of three public and three privatized facilities in New Jersey, Pennsylvania, and Tennessee. He visited the facilities and interviewed guards, staff, and administrators about prison programming for inmates, program goals, privatization, and costs. These interviews revealed similar perspectives about privatized prisons' ability to handle staffing issues. Administrators at private facilities reported that because they did not have to deal with unions or government hiring policies, they had an easier time hiring temporary employees and firing unproductive workers. Additionally, they could save money on wages, because pay raises were based on merit instead of automatic raise systems based on duration of employment as in most public facilities (Sellers 1993).

Using Mississippi as his case study, Morris (2007) argues that the combination of government and market failures is largely responsible for the push to privatize correctional facilities in the United States. The Mississippi Department of Corrections (MDOC), like similar departments in other states, faced a series of problems beginning in the 1980s. Its budget rose 300 percent over a 20 year period. MDOC was also under a circuit court order (*Gates v. Collier*) to reduce overcrowding, which was largely the result of steady growth in crime rates and a number of "tough on crime" policies adopted by the state legislature. Such policies also diminished the power of the Parole Board, reducing the number of felons eligible for parole and thus adding to the growing prison population. To address these issues, the state used revenues from casino gambling to fund prison construction through the late 1980s and early 1990s. Yet, inmate growth continued to

outpace prison construction, so the governor called for a special legislative session in 1994 to respond to these issues. The legislature passed Senate Bill 2005, which created a special panel to address problems with MDOC.

Several political factors shaped the passage of this bill. The governor was an advocate of privatization, the state was under pressure from citizens to cut taxes, and there was increased interest on prioritizing education spending. The panel recommended contracting private companies to build new prisons and run some of the existing ones in an effort to reduce overcrowding, speed up construction, lower costs, and increase efficiency. Mississippi negotiated contracts with the Corrections Corporation of America (CCA) and Wackenhut Industries. The contracts stipulated that the private facilities must operate at costs 10 percent below the public facilities and remain compliant with American Correctional Association standards. Morris (2007) argues that these requirements were meant to hold the companies accountable, but ultimately they may have put the state at a disadvantage because subsequent negotiations could have yielded an even lower price.

In short, prior research on the determinants of privatization at the state-level has offered some interesting insight regarding financial and political forces associated with this phenomenon. Yet, no studies have examined over time using all 50 states as cases or systematically analyze which state-level factors explain the uneven growth of privatization. My study attempts to address the gaps in the literature by exploring the state-level factors that influence private prison populations. In line with prior studies, I use a combination of political, economic, and demographic indicators as possible

determinants. I estimate the relationships with a Tobit regression model using panel data from 2000 to 2012 that include 600 state-years.

### **A HISTORICAL OVERVIEW OF PRIVATIZATION**

Profit-driven privatized imprisonments are not a new practice. From medieval times through the Industrial Revolution, sheriffs, noblemen, and everyday businessmen ran the jails. By the 16th century, these jails, along with poor houses and “houses of correction,” tended to be managed by private businesses (Travisono 1984). Criminals housed in these facilities and their families were responsible for costs related to incarceration, which could be paid through labor (White 2001). Such exploitation of prison labor resulted in mass displacement of prisoners who were used for indentured servitude in North America and Australia (White 2001).

American colonies used prison labor as a way for the correctional facilities to become financially self-sufficient. In New York and Massachusetts, state prisons earned profits by contracting out inmate labor to private manufacturers (Dodge 1975; McKelvey 1968). In New Jersey, manufacturing stayed in-house, with inmates producing nails at the prison. Proceeds from the nail sales helped the New Jersey State Prison become self-sustaining (Lewis 1967). In 1838, the New Jersey Legislature passed a law proclaiming that all able-bodied prisoners must work. Proceeds generated from this work must be used to offset the costs of their incarceration, but prisoners had a right to keep their leftover wages. The mandatory work laws led to a flourishing contract labor system in New Jersey from 1841 to 1858 (Barnes 1965).

The use of prison labor under a privatized system is most notably reflected in the post-Civil War era. The practice, known as “convict leasing,” was used to obtain black

workers for projects to rebuild and industrialize the South (Dilulio 1988). Convict leasing grew out of an exception embedded in the 13th Amendment stipulating that slavery or involuntary servitude was illegal in the United States unless it was used in conjunction with punishment for someone convicted of a crime (Blackmon 2008). Before the Civil War, the Southern economy had been based primarily on free labor provided by black slaves. After the war, Southern states exploited a number of laws to re-imprison newly freed African Americans by imposing harsh penalties for largely non-violent crimes, such as vagrancy and petty theft (Curtin 2000; Hallet 2006). In Mississippi, simply stealing a pig or a cow was considered grand larceny and resulted in a five-year sentence (Mancini 1996). States then leased convicts as laborers in industries such as railroad construction, mining, logging, and agriculture designed to rebuild and reinvigorate the devastated economies of the Southern states. Once the private company had a prisoner in its custody, it had the authority to punish, confine, and work them six days a week (Curtin 2000; Hallet 2006). The prisoners endured a harsh physical toll. Under slavery, black workers were considered valuable property, but under convict leasing, they were expendable. Curtin (2000) estimates that nearly a third of convicts who were leased to private companies died each year.

By the beginning of the 20th century, the convict leasing system had many vocal opponents. Unions railed against the practice, because of the economic threat that free workers faced from extremely cheap prison labor (Adamson 1983). As the convict leasing system's cruelty became more well-known, legal professionals, religious organizations, civil rights groups and concerned citizens also began pressuring states to make changes in the system (King 2012). In 1912, Texas was one of the first states to

abolish its inmate labor contracts and by 1914; all prisoners were back under state control (King 2012). Concerns over convict leasing soon became a national issue. To appease opponents, the U.S. Congress passed two laws that struck economic blows to the practice. The Hawes-Cooper Act of 1929, called for “state law restrictions on the sale of prison-made goods” (McDonald 2006) and the Ashurst-Sumners Act of 1940 made transporting prison-made goods to any state a federal crime and “eliminated whatever room remained for prison industries to sell their goods on the national market” (Garvey 1998).

The issue of privatization and the corrections system did not arise again until 1979 with the Congress’ passage of the Percy Amendment, which authorized the privatization of correctional facilities by the states. In the same year, the U.S. Immigration and Naturalization Service (INS) began contracting with private firms to detain undocumented immigrants. By 1983, Texas was the first state to re-privatize some prison facilities (Price and Riccucci 2005). Throughout the 1980s, the privatization of prisons expanded. In addition to the legal boost provided by the Percy Amendment and the legitimization by INS contracts, several other factors helped spur this growth. First, the United States faced significant economic turbulence throughout the 1970s, and many of these problems persisted into the 1980s. President Reagan blamed the country’s fiscal woes including inflation, high unemployment rates, stagnant economic growth, and steep interest rates on government expansion (Durant 1987; Hill and Hupe 2002). A staunch conservative, Reagan campaigned on a platform to reduce the size and scope of the government by shrinking federal workforces and slashing budgets (Durant 1987; Freeman 2003; Hallet 2006; Hill and Hupe 2002).

The adoption of “tough on crime” criminal justice policies added to the economic troubles. Although this “law and order” approach began during the Nixon Administration, crime continued to increase on a massive scale during the 1980s. Both Federal and state governments introduced harsher penalties for crimes, expanded the War on Drugs, and cracked down on undocumented immigrants. These policies resulted in a tremendous increase in the prison population, which had to be housed, guarded, and cared for. The prison boom greatly strained state budgets with spending on corrections becoming one of the fastest-growing components for most state budgets after Medicaid (Moore 2009; Stenberg 1994). Additionally, prisons quickly became overcrowded, and several court orders deemed overcrowding as a violation of prisoners’ Eighth Amendment rights (Culp 2005). The consequences of the prison boom ran contrary to the economic goals set forth by Reagan and adopted by other political conservatives that aimed at shrinking budgets and government size. One solution to this problem was to privatize the delivery of government services, which opened the door to privatizing prisons (King 2012).

One of the first private prison companies, the Corrections Corporation of America (CCA), was incorporated in 1983 by Thomas Beasley, a Republican activist from Tennessee. CCA opened its first private facility two years later in Kentucky (King 2012). In a further push to promote privatizing government services, Reagan formed the Commission on Privatization in 1988. The commission recommended that privatization of prisons and jails at the local, state, and federal levels should be sharply increased. CCA and other private actors offered states the opportunity to build and operate prisons with promises of lower costs and greater efficiency (Feeley and Rubin 1998). King (2012)



notes that the renewal of privatization in the 1980s was no longer about the economic gains that could be made through prison labor. Rather, privatization at that time meant that economic gains could be made directly through the state by bidding on prison construction projects and management responsibilities. These companies would then take money paid to them by the state for building or management and then determine additional areas for cost savings such as reducing the staff sizes or buying cheaper construction materials. These additional savings could then be considered profits. However, some private prisons continue to generate additional profits by contracting out inmate labor (Hallet 2006). By 1995, 30 states had privatized at least some of their prison facilities (National Center for Policy Analysis). From 2000 to 2012 the private prison population grew from 69,503 to 96,774 inmates, a 39 percent increase. Meanwhile, the overall prison population has been leveled off by 2010 and then experience three years of decline (BJS 2012).

Today, the number of private prison companies has expanded to nearly 20, however, CCA and another firm, the GEO Group Inc. (formerly Wackenhut Industries), dominate the industry (Pelaez 2014). The two companies control 75 percent of the market share for private detention services (Denning 2011). Barfield-Cottledge (2012) points out that this concentration of services is somewhat problematic. Private prison advocates often argue that the market imposes controls on industries through competition, so that the companies that operate the best facilities and provide the highest quality services at the lowest costs will survive the market (Ogle 1999). Yet, it is difficult to gauge whether these firms are really the best, since the market is hardly competitive. Moreover, all private prison companies have recently come under scrutiny for deficiencies in three

areas: recidivism rates, management of inmate safety, and consistent delivery of education, employment and rehabilitation services to inmates (Antonuccio 2008; Armstrong and MacKenzie 2003).

## **THEORY**

### **Political Explanations**

Partisanship matters to prison privatization in two ways. First, privatization has largely been driven by growth in the prison population, which was in part the result of “law and order” approaches to crime and the War on Drugs. These criminal justice strategies were, for the most part, introduced and supported by conservative lawmakers. In the late 1960s, presidential candidate Barry Goldwater attempted to link the social welfare programs promoted by President Lyndon Johnson’s Great Society to surges in crime. In one speech, Goldwater proposed to voters, that if the government could take money away from prosperous citizens via taxes and redistribute that money to the poor through welfare, wouldn’t those recipients “rightfully take from anyone who has more than they?” (quoted in Beckett 1997 p. 28). Goldwater’s successor as a presidential candidate, Richard Nixon, also embraced this message (Parenti 2001; Perlstein 2009). The “takers” in the scenario that Goldwater laid out were tacit references to poor, racial minorities. As Parenti (2001) asserts, Goldwater’s message was “an old political trope: white racism and the self-fueling fear bred by it. Crime meant urban, urban meant Black, and the war on crime meant a bulwark built against the increasingly political and vocal racial ‘other’ by the predominantly white state” (p. 7). By emphasizing “law and order” as a solution to the threat posed by minorities, Republicans could gain political traction with white voters, especially those who had lower incomes and less education (Scheingold 1991).

When Nixon adopted this strategy in his presidential campaign, he found that it was effective in rallying support among anti-black voters across the United States (Ehrlichman 1982). In a letter written to Dwight Eisenhower, Nixon admitted that using “law and order” rhetoric as part his platform provided him with a “great audience...in all parts of the country, including areas like New Hampshire where there is virtually no race problem and relatively little crime” (Parenti 2001).

The “law and order” theme also highlighted a fundamental conservative belief about crime. Among conservatives, crime is seen as a problem with the individual. They believe that a person freely commits criminal acts because they are immoral, lack self-control, or have no empathy for others (Garland 2001). The type of crime control promoted by Nixon and subsequent Republican lawmakers emphasized harsher punishments for individuals and the reductions of rehabilitation services provided by prisons (Selman and Leighton 2010). Such approaches ran contrary to more liberal views, which saw crime as a consequence of structural constraints that create social inequality such as poverty rather than an individual’s failing (Garland 2001; Taylor, Walton, and Young 1973). This ideology formed the basis of President Johnson’s Great Society. Johnson promoted programs that addressed social inequality as anti-crime solutions, because they attacked the “root causes” of crime (Beckett and Sasson 2000, p. 52). Conversely, Nixon linked crime and public disorder with threatening minority groups. These efforts allowed conservatives to ramp up crime control efforts with legislation including the Omnibus Crime Control and Safe Streets Act (1968) and the Comprehensive Drug Abuse Prevention and Control Act (1970). At the same time, they repealed programs established under the Great Society to fight poverty.

The continued support for “law and order” led to many state reductions in prison rehabilitation programs. Martinson’s (1974) study of more than 200 prison rehabilitation programs bolstered these efforts. The study showed there was no clear pattern among what did and did not work in rehabilitation programs. Many of the programs he analyzed did not appear to reduce recidivism rates, and in some cases, completing a program appeared to increase the likelihood of recidivism. The conclusions of his study were widely interpreted to mean that prison rehabilitation efforts simply did not work, which justified harsher punishment policies (Cavender 2004; Selman and Leighton 2010.) The study legitimized conservatives’ opposition to rehabilitation and led to the adoption of Three Strikes Laws, mandatory minimum sentences, truth-in sentencing policies, abolition of parole boards, and harsher sentences for drug crimes (Selman and Leighton 2010). These policies were used to fix what many conservatives saw as inherent leniency in the justice system that had given offenders undeserved resources and rehabilitation programs instead of properly punishing them (Kramer 1984; Selman and Leighton 2010).

The crackdown on crime and the introduction of harsher punishments led to a massive influx of people into the prison system and kept them there for longer periods of time. States quickly faced problems of overcrowding from having too few prison facilities. To keep up with the increasing need for prison space and to comply with court orders to reduce overcrowding, states began to rely on privatized prisons services. These private prison companies have a vested interest in politicians’ continued support of punitive criminal justice policies, because mass imprisonments are good for business. As Hallet (2006) argues, “mass incarceration produces large populations of dispossessed

people who become the basis of profit for others” (p. 141). In 1997, Prudential Securities, the financial division of the insurance and investment company Prudential Financial, conducted an analysis of the private prison industry. They found four factors that threatened long-term viability of the private prison industry: reductions in crime rates, shorter prison terms, alternatives to incarceration such as rehabilitation and parole, and reductions in mandatory sentencing (Hallet 2006).

The second way in which partisanship matters to privatization is because the privatization trend is largely driven by conservative economic ideology. Increasingly since Reagan, capitalistic markets have been promoted as moral, efficient and proper arbiters of social life and as a solution to economic problems (Hallet 2006; Ryan and Ward 1989; Shichor 1995). Following his 1980 election, Reagan promoted privatization from the start. Within his first three years in office he called for an expansion in private sector services within the sphere of government through Reform 88 and Budget Circular A-76, which were reviews of management and fiscal policies for the federal government (Culp 2005; Reagan 1983). Reagan also formed the Private Sector Survey on Cost Control, also known as the Grace Commission. The group, led by businessman J. Peter Grace, investigated how the federal government managed and spent revenues. The commission recommended privatization of government services to help the government cut costs, eliminate waste, and increase efficiency without raising taxes or increasing the national debt (Culp 2005; Grace Commission Report 1984). One of the agencies that became an early adopter of privatization was the Immigration and Naturalization Service. The agency contracted a new private detention center for undocumented immigrants in Texas that began operations in 1984 (Knowlton 1985).

Reagan also encouraged states to embrace privatization to promote efficiency and budget savings (AFSCME 1985). Such concerns gained increasing importance in the 1980s and 1990s as prison populations began rapidly expanding with harsher penalties, especially for drug crimes. States attempted to “build their way out of the problem,” but this solution was both expensive and sluggish (Culp 2005, p. 419). Pastore and Maguire (2000) found that during the 1990s, new construction for prisons cost the states an average of \$2 billion annually. Moreover, the building process for prisons averaged four to five years (Sechrest and Price 1985). To alleviate these financial and bureaucratic strains of prison management and construction, states began entering into contracts with private companies. These companies asserted they could finance and build prisons faster and cheaper than the government. After construction was complete, they could lease the facility to the state thus sparing it from the upfront costs of financing the construction and saving a substantial sum of money (Logan 1990; McDonald 1989). States also began to employ these private companies to manage prison facilities to save on labor costs. Most private prison companies hire non-union correction officers and other staff so that they do not have to pay workers above minimum wage or offer benefits and overtime compensation (Camp and Gaes 2001; Irwin and Austin 2001; Moore and Rose 1998).

Because conservatives are more likely to support criminal justice policies that maintain high rates of imprisonments and promote privatization as a free-market solution to save governments money, private prison companies have donated large sums to Republican political candidates. Although data show contributions to both parties, the vast majority of the money has been funneled to Republicans. The largest contributor is the Corrections Corporation of America. From 2003 to 2012, CCA spent \$2.23 million on

direct political contributions. Sixty-one percent of those dollars went to Republican candidates (National Institute on Money in State Politics 2014). The Florida and California Republican parties received the most money from the CCA, with a combined contribution of over half a million dollars. The top three individual candidates receiving donations from CCA were all Republican governors: Butch Otter of Idaho (\$20,000), Rick Perry of Texas (\$20,000) and Bill Haslam of Tennessee (\$15,700) (National Institute on Money in State Politics 2014). From 2000 to 2012, CCA spent an additional \$19 million in lobbying activities that targeted various lawmaking bodies and federal agencies, including the U.S. Senate and Congress, Department of State, Department of Justice, Federal Marshal's Service, Bureau of Prisons, Department of Homeland Security, and Immigration and Customs Enforcement (Center for Responsive Politics 2014).

Overall, the implementation of a "law and order" approach to crime coupled with the revitalization of conservative neo-liberal economic policies helped fuel the growth of the private prison industry (Goodstein and McKenzie 1987; Jing 2012). Thus, *I expect that states in which GOP strength is greater have larger populations of private prisoners.*

### **Racial and Ethnic Threat**

African Americans are disproportionately affected by the "law and order" approach to crime and the War on Drugs. In 1997, the Bureau of Justice Statistics estimated that by the beginning of the 21st century, black men had a 25 percent chance of being imprisoned over the course of their lifetime, while white men had less than a 5 percent chance (Bonczar and Beck 1997). These estimates were further revised in 2011. Currently, African American men have a 33 percent chance of ending up in prison, while white men have a 6 percent chance. The increase in risk of incarceration for white men is marginal

compared to black men, especially since African Americans make up only about 14 percent of the total population while whites comprise 63 percent (Census 2013). In 2012, black men comprised 38 percent of the prison population. Black men aged 30 to 34 were incarcerated at a rate of 6,932 prisoners per 100,000 black male residents in this same age group (Bureau of Justice Statistics 2013; Carson and Golinelli 2013). White men aged 30 to 34 were imprisoned at a rate 6 times lower with only 1,098 prisoners per 100,000 residents (Carson and Golinelli 2013). The high rates of imprisonment among black men has become so normalized it is accepted as a “social fact” (Davis 1998.)

What factors account for the high rate of incarceration among African Americans? Traditional racial threat theories hold that as subordinate groups acquire more political, social, and economic capital, they threaten the status of dominant groups. These dominant groups will retaliate to any real or perceived threats in order to maintain their superior status (Blumer 1958). In the case of African Americans, any potential threat that they pose has been managed by the majority-white population through a series of institutional controls, including slavery, lynchings, convict leasing, Jim Crow laws, urban ghettos, and the criminal justice system. These social controls have resulted in a continuous reproduction of dominant-subordinate relationships between whites and African Americans as well as cemented the association between blacks and crime (Key 1949; Provine 1998; Wacquant 2001).

After the Civil War, whites began to regard African Americans as a potential criminal threat, because they were no longer controlled through slavery. Southern states employed new strategies to subjugate newly freed blacks. Lynching was one such strategy and was generally carried out under the veneer of getting justice for alleged



white victims of black robbers, murderers, and rapists (Griffin 1993). In actuality, lynchings served as a brutal reminder to African Americans that there was a strict racial hierarchy to Southern social arrangements, which should not be challenged (Ayers 1984; Jacobs, Carmichael, and Kent 2005; Tolnay and Beck 1996).

The second strategy the South utilized was convict leasing. The war had severely damaged the Southern economy. County and state governments were strapped for money and resources, and thus could not carry out basic government services. Among Southern whites, the prevailing idea for solving the region's economic troubles and mitigating black threat was to coerce African Americans back into forced labor (Blackmon 2008; Ledbetter 1993). Southern states accomplished this re-subjugation of the black population by enacting "Black Codes," laws that essentially "criminalized black life" immediately after the war (Blackmon 2008 p. 53). For instance, statutes on vagrancy were so vaguely written that unless freed slaves could prove they were under the protection of a white man, they were arrested. States also passed laws that barred African Americans from being legally hired by one employer unless they had discharge papers from a previous employer. These stipulations prevented blacks from leaving old slave masters. And in Alabama, Florida, and North Carolina blacks could not legally change employers without permission (Blackmon 2008). Additionally, Southern states increased penalties for other non-violent crimes such as petty theft and loitering (Curtin 2000; Hallet 2006; Mancini 1996).

These laws increased the arrest rates for black men who were then sold by the government into forced labor for private industries and farms. Once the state leased a convict to a private contractor, that contractor had the right to punish the inmate without

any oversight from the state (Blackmon 2008; Curtin 2000; Hallet 2006). This practice ensured revenues for the local and state governments, saved them from the costs of imprisonments, provided labor and profits to private industries rebuilding the Southern economy, and maintained absolute white control over the newly freed black populations (Blackmon 2008; Hallet 2006; Ledbetter 1993).

Following the end of convict leasing in the 1920s and the civil rights movement of the 1960s, whites found other ways to assert their supremacy, such as maintaining social and geographic boundaries between themselves and African Americans. Whites abandoned public schools, moved away from the cities to the suburbs, supported legal policies against racial mixing such as intermarriage, increased policing in black neighborhoods and incarcerated more and more black men (Beckett et al. 2006; Chambliss 1994; Provine 1998; Wacquant 2001). Aside from underlying racial prejudice, these actions were also the result of white fear toward African Americans. Through the second half of the 20th century, crime programming on television consistently depicted blacks as a menacing criminal population (Beckett 1997; Beckett and Sasson 2000). This association between blackness and crime made whites more fearful of the threat posed by African Americans. Prior research shows that black presence in an area leads to an increased fear of victimization among whites, even when accounting for the crime rates (Liska, Lawrence, and Sanchirico 1982; Quillian and Pager 2002). Additionally, although whites are more likely to be victimized by someone of their own race, the fear of interracial violence remains (Jacobs and Wood 1999; O'Brien 1987). Social control measures such as policing, crime legislation, and expanded use of incarceration were in part implemented to mollify threats and remove from society populations considered

dangerous (Chambliss 1994; Wacquant 2001). Because incarceration is a principal social control used to mitigate black threat, African Americans face a higher likelihood of imprisonment. The disproportionate rate of imprisonment among African Americans in public correctional facilities should also be reflected in private prison populations. Therefore, *I expect that states with large or expanding black populations will have larger private prison populations.*

Hallet (2006) points out that there are connections between historical convict leasing and modern-day private prisons that involve “well-connected entrepreneurs willing to experiment with the profitability of managing mostly black prisoners” (p. 57). He argues there are three crucial similarities in the acquisition of predominantly minority prison populations among convict leasing and modern private prisons. First, the highlighting of threats posed by freed slaves led to lawmakers increasing criminalization of petty and non-violent crimes such as theft or loitering in the post-Civil War South. Lawmakers once again capitalized on black threat with the “law and order” policies in the 1970s and 1980s as well as the War on Drugs (Beckett and Sasson 2000; Lapidó 2001). The Anti-Drug Abuse Act of 1986 stipulated that simple possession of five grams of crack cocaine was a felony crime punishable by a mandatory *minimum* of five years in prison. Scholars have argued that this policy was meant to target black communities, especially since five grams of powdered cocaine, largely used by whites, was only considered a misdemeanor punishable by a *maximum* of one year (Alexander 2012; Beckett 1997). The political rationale for this disparity came from the belief that crack was an instigator of violence, though simple possession is a non-violent crime.

Second, imprisonment has been used to manage poor black populations rather than providing welfare or addressing the structural causes of poverty (Hallet 2006). During the convict leasing era, several laws used to ensnare blacks into the criminal justice system addressed joblessness and vagrancy, but these laws were not equally applied to poor whites. As Blackmon (2008) points out, the issue of poverty in the South was a staggering problem for both blacks and whites. When comparing the two groups, blacks were not significantly more impoverished than some of their white neighbors. Yet, they were imprisoned at a much higher rate. Efforts to lift African Americans out of poverty were met with backlash. For instance, white political and community leaders railed against white taxpayers funding the public education of black children (Blackmon 2008). Similarly, in the late 1960s and early 1970s, conservative politicians such as Barry Goldwater and Richard Nixon began linking crime with poor minorities. (Parenti 2001). In one campaign speech, Nixon pitted his “law and order” approach against the Democrat’s support for social welfare programs, stating: “I say doubling the conviction rate will do more to cure crime in America than quadrupling the funds for [Hubert] Humphrey’s war on poverty” (Trebach 1982, p. 231). Politicians in both parties eventually adopted such stances in the 1980s and 1990s, and shifted public resources away from social welfare programs and toward the criminal justice system (Beckett and Sasson 2000; Clear 1997; Parenti 2001).

Lastly, both the convict leasing system and the private prison system grew out of financial crises (Hallet 2006). The South used convict leasing as a way to generate funds for impoverished governments and to provide labor for private industries to rebuild the region using black labor. The privatized prison system was borne out of “law and order”

criminal justice policies and the subsequent prison boom. The Corrections Corporation of America formed after a federal court declared that Tennessee's problem with overcrowding in their prison system violated the 8th Amendment to the Constitution (Hallet 2006). Today, solvency of the private prison industry depends on the continuation of harsh criminal justice policies and the drug war, which disproportionately affect black men (Gottschalk 2008; Hallet 2006; Shelden and Brown 2000). Because of the connections between historical convict leasing in the South and the modern private prison industry, *I expect that African American populations will have a strong effect on private prison population size in former Confederate states.*

Threat is also increasingly associated with another minority group, Hispanics. This group is the fastest growing minority in the United States, and in some states, such as California and New Mexico, they are the largest ethnic/racial group (Lopez 2014). The growth in Hispanic populations has led to increasing fear and prejudice among whites. In some states with areas of large Hispanic populations, whites consider Hispanics to be more threatening than blacks (Chiricos, McEntire, and Gertz 2001). Hispanic populations are often associated with illegal immigration and stereotypes that they are involved in drug trafficking and use as well as gang activity (Castro 1998; Greenberg and West 2001; Papachristos 2005). As a response to this threat, Hispanics are also more likely to be subjected to police brutality, face harsher criminal sentences, and like African Americans, they are disproportionately represented among prison populations (Carson and Golinelli 2013; Holmes 2000; Steffensmeir and Demuth 2000). A recent report from the Bureau of Justice Statistics found that Hispanic men are 2.5 times more likely than whites to be imprisoned (Carson Golinelli 2013). Thus, if minority threat affects social control

*measures, I can expect that states with large or expanding Hispanic populations will also have larger populations of private prisoners.*

Hispanics have also been the central focus of tough immigration policies. Throughout the 1980s and 1990s, crackdowns on undocumented immigrants increased. The Immigration Act passed by Congress in 1990 increased limits on the number of legal immigrants that could enter the United States. The law also increased the scope of detention and deportation as methods for dealing with people who came to the country illegally (U.S. Immigration and Customs Enforcement 2010). Additional laws including the Antiterrorism and Effective Death Penalty Act (1996) and the Illegal Immigrant Reform and Immigrant Responsibility Act (1996) expanded the definitions who could be considered of non-citizens and enhanced the government's legal ability to detain them (Lee 1999; Neuman 1998). In the post-9/11 era, significant changes were instituted in order to strengthen national security and protect Americans from possible dangers posed by illegal immigrants. Immigration issues came under the purview of the Department of Homeland Security, which blurred the line between "criminal and civil enforcement of immigration issues" (Garvett 2011).

The federal government recognized the need for additional space to detain immigrants early on, and since 1984, private prison companies have detained people on behalf of INS and later other federal agencies handling immigration. The number of private detention facilities increased throughout the 1990s and 2000s, particularly in the South and West and among states with significant coastline area or ports. Some of the largest populations of government detainees imprisoned in private facilities are in states that share a border with Mexico, including Texas, New Mexico, Arizona, and California

(Gavett 2011). The disproportionate imprisonments of Hispanics in both prisons and detention centers *makes it likely that the populations of Hispanics in states that share a border with Mexico will have a strong effect on the size of private prisoner populations.*

### **The Recession & Other Economic Constraints**

One of the most commonly cited reason for privatizing prisons is the potential cost-savings. Although studies regarding the cost-effectiveness of private prisons have been inconclusive, private facilities are still seen as a viable option for reducing spending (Irwin and Austin 2001; Montague 2001; Perrone and Pratt 2003). When surveyed, the Council of State Governments reported that the principal reason to privatize was to save money and achieve greater flexibility in handling staffing and other financial issues associated with corrections (Chi, Arnold, and Perkins 2003). In recent decades, states have contended with rapidly increasing corrections budgets to handle the mass incarceration stemming from more punitive criminal justice policies. The Pew Center on the States (2009) estimates that 1 in every 15 dollars in a state's budget is spent on corrections. The Great Recession of 2008 added to the financial constraints of state budgets by decreasing tax revenues and creating high rates of unemployment. As Harcourt (2011) notes, some states face mounting pressure to do more with less. They must support large incarcerated populations despite decreased revenues. Many states have scrambled to come up with funds to build additional correctional facilities for future prisoners and manage the operations expenditures of existing populations. Recovery from the Great Recession has been slow. Even at the end of 2009, a year after the recession's end, tax revenues were down 13 percent when compared to pre-recession levels. States

also faced combined budget shortfalls of \$500 billion from 2009 to 2012 (Pew Center on the States 2012).

With the exception of Vermont and Wyoming, all states are constitutionally compelled to maintain a balanced budget (Dilger 1998). Significant decreases in revenue have forced states to make budget cuts and develop new ways to deliver services more cheaply. Applying such cuts to prisons, however, is not so easy. Gottschalk (2010) notes that most of the costs associated with prisons are fixed, so finding reductions in their budgets is quite difficult. States have attempted to save money by reducing non-essential prison programming such as education, rehabilitation, and job skills training, charging prisoners fees for services, and instituting early release for nonviolent inmates (Gottschalk 2010; Gramlich 2011; Smith and Hattery 2012).

Privatization has been offered as another solution to alleviate the burdens of corrections expenditures, particularly in the wake of the Great Recession (Mauer and Sentencing Project 2001; Smith and Hattery 2012). In a report to the Securities and Exchange Commission, CCA asserted that because of the recession, states were increasingly in need of privatized prison services. CCA argued that states already utilizing the private sector to help with incarceration were likely to expand privatization and that states that had not previously used private services would probably consider adopting them. To those ends, CCA stated that it was “actively pursuing these opportunities” to grow privatization in economically depressed states (CCA Form 10-K 2010, p. 16). *Therefore, I expect to find increases in private prison populations in states facing economic shortfalls.*



Private prisons have also tried to sell themselves as a good investment, especially for communities facing economic hardship. Scholars have found that prisons are not completely immune to recessions and that their ability to stimulate the economies and promote job growth may be exaggerated (Dyer 2000; Hooks et al. 2004; King, Mauer, and Huling 2004; Setti 2001). Yet, politicians advocating neo-liberal economic policies and groups interested in economic development continue to look toward prisons as smart investments in their communities (Gilmore 2007; Gottschalk 2008; Hooks et al. 2010). Jobs in prisons are also seen as a stable line of work because incarceration rates have been historically high and there has been major growth in the private prison industry. Since 2010, the two largest private prison companies, CCA and the GEO Group Inc., have reported annual average revenues of \$1.7 billion and \$1.35 billion, respectively (Corrections Corporation of America 2012, 2014; The GEO Group Inc. 2011, 2014). Moreover, unlike manufacturing and customer service jobs, prisons create jobs that are not likely to be outsourced.

States with economies largely dependent on extracting natural resources or manufacturing have seen significant declines in their labor forces as advances in technology and outsourcing replace American workers (Selman and Leighton 2010). They also tend to have weak tax bases (Blankenship and Yanarella 2004; Selman and Leighton 2010). These losses in industry have resulted in fewer jobs, especially, among citizens with lower levels of education. Thus expanding into the private prison industry in order to make up for some of the losses created by these defunct economies becomes attractive (Blankenship and Yanarella 2004). Proponents of prison-based economic expansions argue that prisons can create short-term construction jobs and long-term jobs

with the prison (Hooks et al. 2010). They also assert that prisons can create or bolster other sectors of the economy by providing additional jobs in businesses such as hotels and restaurants that cater to visiting families of inmates (Blankenship and Yanarella 2004). Because prison industries are portrayed as having the capacity to create jobs, *I expect that states with high unemployment will be more amenable to privatization resulting in larger numbers of prisoners in these facilities.* Furthermore, declines in manufacturing and related industries increase the likelihood that a community may build or operate a prison. *Thus, I predict that states with low rates of employment in manufacturing will have more private prisoners.*

### **Additional Considerations**

#### ***Regional Variation***

Regional location should also have an effect on private prison population size. Jing (2012) argues that the differing paths of economic development and political thought, particularly in the North and the South, might explain unequal expansion of private prisons. Before the Civil War, the North was largely an industrial economy and had begun building an infrastructure to increase its industrial output. The South operated a race-based slave economy dominated by agricultural production. After that war, neither region experienced significant changes in their economic structure. The North reaped the fiscal benefits of the Second Industrial Revolution, improved its infrastructure, and became more urbanized. That region also developed a better educated labor force, which banded together to lobby the government and employers for greater protections and benefits. The South, meanwhile, remained mostly rural and thus maintained its economic reliance on agriculture. Industry developed slowly. Workers in the South were less

educated and did not receive the same benefits as workers in the North. Additionally, many of the laborers in Southern industries were black inmates sold to private companies via convict leasing. The region's imposition of a strict racial hierarchy that criminalized blacks and created a system of re-enslavement prevented the mobilization of labor movements, especially since there was little concern for the working conditions of prison inmates (Blackmon 2008; Curtin 2000; Jing 2012). These economic and social factors formed a more conservative civil and political climate in the South that would be more likely to employ harsher crime control policies, particularly ones aimed at African Americans. Today, when compared to the North, and even the West and the Midwest, the South's incarceration rate is consistently the highest (Guerino, Harrison and Sabol 2011).

Because the South's economic development differed vastly from the North's, the South has been more open to privatization. Jing (2012) asserts that the reliance on low-cost black labor and agriculture helped spawn neo-liberal economic policies that promote the private sector. Thus, many Southern states have traditionally lacked substantial modern industries and do not offer much in the way of public services. Moreover, their workers are largely unorganized, have lower wages, and receive fewer workplace protections (Jing 2012). Therefore, when governments privatize, they face fewer barriers, because workers do not have a strong tie to unions and the South has weaker labor relations laws (Price and Riccucci 2005). Additionally, the legacy of convict leasing and current high rates of incarceration has led some Southern states to transition part of their economy toward the prison industry (Jing 2006). *These factors make it likely that former Confederate states will privatize and thus have larger prison populations.*

### ***Labor Regulations***

All prisons are incredibly labor intensive. Irwin and Austin (2001) estimate that labor costs - including staff salaries, benefits, and overtime - can account for up to 70 percent of a prison's operating budget. The business model for private prisons, therefore, finds ways to reduce costs related to staffing. Some of these measures include employing a non-union workforce, reducing staff, minimizing overtime, and offering lower salaries (Camp and Gaes 2001; Irwin and Austin 2001; Moore and Rose 1998). These practices make it harder for private prisons to significantly expand into areas where there is a strong municipal union presence, because unions will exert political influence on governments to discourage them from privatizing (Chandler and Feuille 1991).

Generally, union strength is measured using a percentage of employees who are union members or counts of unionized organizations. However, neither measure may accurately reflect the union's potential political power (Price and Riccucci 2005). For instance, Southern states have public and private sector unions. Yet, their history of industrial and economic development have created cultural and political climates hostile to organized labor, resulting in weak labor relations laws (Jing 2012; Price and Riccucci 2005). A better method for gauging the effect of labor on the development of privatization is to examine whether a state has enacted legal challenges to union power (Price and Riccucci 2005). For instance, several states, particularly in the South, West, and Midwest have passed right-to-work laws, which prohibit unions from forcing employees to join the union or pay dues as a requirement for employment. Such laws make it difficult to form new unions and hinder financial and membership growth for existing unions, which diminishes union's political influence (Stevens 2009). States that have these laws should

be attractive to private prisons because they make it easy for these firms to keep labor costs low and discourage their workforces from eventually unionizing. *I predict that states that have enacted right-to-work laws will have higher levels of privatization and thus larger private prison populations.*

### ***Crime and Social Disorganization***

Hallet (2006) argues that crime and the conditions that lead to social disorganization also create economic opportunities for the private prison industry. Poor, minority neighborhoods are increasingly targeted for crime control measures, particularly with regard to the War on Drugs (Chambliss 2001). Prior research indicates that these neighborhoods tend to experience greater police presence because drug markets are out in the open (Beckett et al. 2006; Blumstein 1993; Tonry 1995). Additionally, police face little backlash from residents who do not have the resources to stand up to them (Donzinger 1996). Donzinger (1996) points out those college communities are places where drugs are used and sold. Yet, our jails and prisons are not filled with young, white, college-aged prisoners. Drug users and sellers among these populations have greater access to social capital. They have the community and socioeconomic resources that can provide them with legal help. Additionally, they also do not face crime stigma associated with poor, minorities.

Poverty has long been cited as having an important effect on crime. In Sampson and Raudenbush's (2001) study of crime in Chicago, they found that poverty was the single most important predictor for disorder. How does poverty account for disorder? Impoverished communities often have failing schools and lack quality housing, decent jobs, and access to healthcare (Siegel 2001). Because these communities cannot provide

vital resources, their residents have an inferior skill set and few economic opportunities. Since these residents are constrained by their poor neighborhoods it is more likely that residents will turn to crime as an alternative avenue of economic production (Byrne and Sampson 1986; Hallet 2006). The business model for prison privatization is reliant on high rates of crime and the conditions that cause them, because these factors contribute to state's maintaining large populations of incarcerated individuals. *I therefore expect that states with high rates of poverty and crime will have large populations of people incarcerated in private prisons.*

## **METHODS**

### **Dependent Variable and Sample**

The dependent variable is a rate of the total population of private prisoners divided by state population annually. Since a number of states do not privatize their corrections or abolished privatization during the time period examined, 36.6 percent of the sample is zeroes. The large number of zeroes creates a positive skew to the distribution of counts. To account for this skew, the dependent variable is analyzed in its square root form. Although logarithmic transformations are generally applied to skewed distributions, square root transformations are advantageous in that they can be applied to values of zero (Cox 2005). To construct this variable, I used data on private prisons populations provided by the Bureau of Justice Statistics in its annual *Prisoners* series and Census counts for population. This variable covers the period from 2000 to 2012, which yields an initial sample of 650 state-years.

### **Explanatory Variables**

Conservative ideology promotes harsher criminal penalties and neo-liberal economic policies, which increase the prison population and advocate privatizing government

services. To test this hypothesis, I construct a variable using two measures of Republican strength. The first is a dummy variable for governors that codes Republican governors as “1” and Democrats and Independents as “0.” The second is a variable measuring the percentage of Republicans in the state legislature. I multiply these two variables to form one combined measure of Republican strength. Because of its nonpartisan legislature, Nebraska is not included in the analysis. The data used to construct the measure comes from the Statistical Abstract, the National Conference on State Legislators, and the National Governor’s Association.

Racial and ethnic minorities are disproportionately represented in both the public and private prison populations. The social forces that can account for this overrepresentation are associated with using incarceration as a way to control populations perceived to be threatening and criminal. To determine the strength of these threats, I measure the percentage of African Americans and the percentage of Hispanics using Census data. Because of the traditional use of privatized prisons to extract labor from African Americans in the Reconstruction South, I interact the percentage of African Americans with a dummy variable coded “1” for former Confederate states. I also use an interaction term with the variable measuring percentage of Hispanics. Since the INS has employed private contractors to operate detention facilities for undocumented immigrants since the mid-1980s, the agency has helped open the door to the private prison industry in some Western states. Because of the challenges related to handling undocumented immigrant populations it is more likely that Hispanic threat will be particularly notable among states that share a border with Mexico. To test for this possibility I interact a

dummy variable where states that border Mexico are coded as “1” with percentage of Hispanics.

I use state gross domestic product to test for the overall strength of the economy and tax base. This measure captures a state’s annual output of goods and services. Positive or negative changes in GDP can signal a state’s overall economic health, which is important to consider since the sample time period covers the Great Recession and part of the recovery. Significant economic downturns can affect investments and tax revenues, which could force states to privatize in order to save money. Data used to construct the variable measuring GDP comes from the Bureau of Economic Analysis.

Unemployment rates may explain private prison population size in two ways. First, increases in unemployment can reduce tax revenues, which constrain state budgets. Second, the privatized prison industry is portrayed as a job creator, so states with high rates of unemployment might wish to attract private prison firms to try to secure jobs for their citizens. To test the effects of unemployment on the dependent variable, I use the average annual unemployment rates from the Local Area Unemployment Statistics series sponsored by the Bureau of Labor Statistics.

Industry could also affect the likelihood of privatization. As Selman and Leighton (2010) argue, privatization has benefited from deindustrialization as communities struggle to redefine their economies. States that continue to have higher rates of employment in manufacturing may be more economically resistant to private prison expansion. To test this idea, I use a variable that measures percent employment in manufacturing from the Bureau of Labor Statistics.



## **Control Variables**

Regional effects are also important to determine if private prison population size is merely a matter of whether that population is located in a region more likely to privatize, like the South. Earlier, I discussed interacting a dummy variable for former Confederate states with a variable measuring the black population. I must also enter the main effects of the variable by itself. I analyze former Confederate states instead of all Southern states, because this measure removes Delaware, Kentucky, Maryland, Missouri, and West Virginia. Since these states were Border States and not part of the Confederacy, they do not have the same intimate historical connection to the South's economic and cultural ideology that promotes prison privatization (Jing 2012).

States with right-to-work laws should provide economic conditions favorable to private prison expansion. States that have enacted such legislation are dummy coded as "1." Data for this variable come from the National Conference of State Legislatures.

High crime rates should lead to higher rates of incarceration. Increases in incarceration strain state budgets and create market opportunities for private prisons. I use data measuring violent and property crime rates from the Uniform Crime Reports compiled by the Federal Bureau of Investigation. Additionally, since social disorganization is cited as a root cause of crime, I also use a variable that captures the percentage of residents living in poverty obtained from the Census.

Lastly, I use a dummy variable for years to control for time specific factors that could affect the relationships between the independent and dependent variables.

## **Estimation**

I use a random-effects Tobit analysis to estimate the models, since about one-third of states in my sample do not have private prison populations. Tobit models assume that the dependent variable in the analysis has a group of values clustered at some limiting value, which is generally zero (Tobin 1958). These models are appropriate when trying to estimate linear relationships between variables when the dependent variable displays either lower limits such as zero (left-censored observations) or upper limits (right-censored observations) (UCLA Statistical Consulting Group 2014.). Tobit models are also advantageous because they use all observations in the dependent variable including the values at the limit and those above or below it (McDonald and Moffitt 1980; Roncek 1992). Tobit estimates these values using two formulas. One utilizes a probit estimate of probability, which assumes a case “will have a nonlimit value for cases at the limit on the dependent variable” (Jacobs and O’Brien 1998 p.847). The second estimates the effects of the independent variables on cases with a nonlimit value on the dependent variable (Jacobs and O’Brien 1998; Roncek 1992). Alternative techniques cannot estimate the values at the limit (McDonald and Moffitt 1980). For instance, ordinary least squares regression cannot adequately account for the zeroes in the dependent variable and would produce biased, inconsistent estimates that would underestimate the effects of the explanatory variables on the dependent variable (Spermann 2009). Moreover, Tobit is generally employed when it is assumed that a single process predicts both the zeroes and values above zeroes. Therefore, because the dependent variable contains censored cases with a large number of zeroes, and both the zeroes and real numbers are driven by the same predictors, Tobit is the most appropriate estimator.

Changes in the explanatory variables - including partisanship, demographics, and economics - are not expected to produce an instant effect on private prison population size. I lag all explanatory variables by one year. This lag as well as the removal of Nebraska from the analysis reduces the sample for the dependent variable to 597 state-years. Some explanatory variables are estimated in their log form to handle adjust for skewness and linearize their relationship with the dependent variable. These variables include state gross domestic product, unemployment, median household income, percent living in poverty, and percent employed in manufacturing. The general specification of the Tobit model predicting private prison population size is:

$$\begin{aligned} \text{Correction Expenditures/Personal Income} = & \mathbf{b}_0 + \mathbf{b}_1 (\text{Rep. Governor } x \% \text{ Rep.} \\ & \text{Legislature})_i + \mathbf{b}_2 \% \text{Black}_i + \mathbf{b}_3 \text{ Confederate State}_i + \mathbf{b}_4 (\% \text{ Black } x \text{ Confederate State})_i \\ & + \mathbf{b}_5 \text{ Mexican Border State}_i + \mathbf{b}_6 \% \text{Hispanic}_i + \mathbf{b}_7 (\% \text{ Hispanic } x \text{ Mexican Border State }_i) \\ & + \mathbf{b}_8 \text{ Real State GDP}_i + \mathbf{b}_9 \% \text{Unemployment}_i + \mathbf{b}_{10} \% \text{Employed in Manufacturing}_i \\ & + \mathbf{b}_{11} \text{ Violent Crime Rate}_i + \mathbf{b}_{12} \text{ Property Crime Rate}_i + \mathbf{b}_{13} \% \text{Poverty}_i \\ & + \mathbf{b}_{14} \text{ Right to Work State}_i + \mathbf{b}_{15-26} \text{ Population}_i + \text{Residual}_i \end{aligned}$$

### Descriptive Statistics

Table 4 shows the means, standard deviations, and predicted signs for the dependent variable and continuous explanatory variables.

**Table 4: Expected Signs, Variable Means, and Standard Deviations (N=650 state-years)**

Variable	Expected Sign	Mean	Std. Dev.
Sq. Rt. Private Prison Population	----	27.223	30.832
Dummy Republican Governor x % Republican Legislature	+	26.681	28.513
% Black	+	10.411	9.521
Ln % Hispanic	+	1.806	0.938
Ln Real State GDP	-	11.895	1.031
Ln. %Unemployment	+	1.701	.3492
Ln % Manufacturing	-	2.261	0.468
Violent Crime Rate	+	394.665	169.825
Property Crime Rate	+	3227.651	797.002
Ln % Poverty	+	2.537	0.252

## ANALYSES

### **Pooled-Time Series Tobit with Left-Censored Observations Estimations**

I begin my analysis with a baseline model and add additional explanatory variables in subsequent models. Model 1 presented in Table 5 includes the measure for Republican strength, percentage of African Americans, percentage of Hispanic/Latinos, real state gross domestic product, unemployment and percent employed in manufacturing. As predicted, the variable measuring Republican strength is positively associated with private prison population sizes. Additionally, as expected, states with more residents employed in manufacturing have smaller populations of private prisoners. Surprisingly, the variables measuring minority threat, economic indicators, and social disorganization are not significant. These early results support theories associating partisanship with increased privatization efforts.

In Model 2, I add controls measuring criminal threat, social disorganization and labor protections. When I introduce violent crime rates, property crime rates, percent impoverished, and states with right-to-work laws, I find that the significant positive relationship between the private prison population size and partisanship remain. Also, percent employed in manufacturing continues to have a negative effect on the size of private prison populations. Even when controlling for crime, poverty, and labor regulations this model still demonstrates strong support for partisanship and manufacturing strength. Yet, these models still do not display support for economic motivations to privatize nor minority threat theories.

**Table 5: Random-Effects Pooled-Time Tobit Models of the Determinants of Private Prison Population Size with One Year Lags (N = 588)**

	Model 1		Model 2	
	Coef.	Std. Err.	Coef.	Std. Err.
Republican Strength	.0146***	.0036	.0146***	.0036
Percent Black	.1423	.0804	.1678	.0994
Percent Hispanic	-.0089	.0777	-.0076	.0839
Ln. Real State GDP	-.7025	2.4534	-1.0082	3.2158
Ln. Percent Unemployment	-.0982	.7036	.0838	.7439
Ln. Percent Manufacturing	-6.8390***	1.3588	-6.6681***	1.4785
Violent Crime Rate	-----	-----	-.0019	.0023
Property Crime Rate	-----	-----	-.0001	.0004
Ln. Percent in Poverty	-----	-----	-1.1362	1.5094
Right to Work Dummy	-----	-----	.4738	1.2956
Intercept	14.8683	8.7355	16.7849	10.3406
Log Likelihood	-863.7567		-862.6931	
$\chi^2$	53.73		53.24	

Significance: \* $\leq$ .05 \*\* $\leq$ .01 \*\*\* $\leq$ .001 (two-tailed tests)

Model 3 presented in Table 6 adds the interaction between former Confederate states and African American population. When examining this interaction, the coefficient is significant and positive. This result indicates that the effect of African American populations on private prison population size is more pronounced in the “Old South.” As with prior models, Republican strength retains a positive and significant effect on the dependent variable. Percent employed in manufacturing also continues to have a significant negative relationship with private prison populations. Additionally, Hispanic

population, additional economic indicators, and the control variables continue to present non-significant results.

**Table 6: Random-Effects Pooled-Time Tobit Models of the Determinants of Private Prison Population Size with One Year Lags (N = 588)**

	Model 3		Model 4	
	Coef.	Std. Err.	Coef.	Std. Err.
Republican Strength	.0142***	.0036	.0145***	.0036
Percent Black	-.1789	.1526	-.1024	.1420
Confederate States	-3.586	6.0412	-4.0716	4.7777
Per. Black X Conf. States	.5325*	.2637	.4829*	.2330
Percent Hispanic	.0178	.0817	-.2299	.1184
Mexican Border State	-----	-----	9.6576	6.2713
Per. Hispanic X Border State	-----	-----	.0857	.1603
Ln. Real State GDP	-.0234	3.0332	.0800	2.9320
Ln. Percent Unemployment	.2103	.7416	.4059	.7408
Ln. Percent Manufacturing	-6.6373***	1.4736	-6.9061***	1.3458
Violent Crime Rate	-.0013	.0023	-.0019	.0023
Property Crime Rate	-.0001	.0004	-.0002	.0004
Ln. Percent in Poverty	-1.1881	1.5084	-1.4395	1.4905
Right to Work Dummy	-.7113	1.4210	-.5351	1.2845
Intercept	21.7277**	9.4895	24.1791**	9.1355
Log Likelihood	-859.6036		-855.8199	
$\chi^2$	61.49		73.57	

Significance: \* $\leq .05$  \*\* $\leq .01$  \*\*\* $\leq .001$  (two-tailed tests)

<sup>A</sup> Because the coefficients on population are so small, they are left in scientific notation.

To test for minority threat generated by Hispanic populations in Border States, I interact percentage of Hispanic/Latinors with a dummy variable for Mexican Border States in Model 4. I find that the interaction between these variables as well as the main effects is not significant. However, the prior significant relationships from the previous model remain. The full model demonstrates support for theories associated with partisanship, minority threat, and the insulating effects of industrial economies.

### **Model Sensitivity**

In other models (not shown), I tested additional measures for economic effects. Replacing state GDP with an indicator measuring revenue did not significantly alter my findings nor does adding variables measuring personal income with median household income. In additional models, I interacted the economic variables with a dummy variable that split the years covered by the sample into three periods. These three time periods captured the years prior to, during, and after the recession. There was no significant relationship between the economic indicators and private prison population size during any of these time periods. This model passes the linktest for specification error. The linktest tests a model for specification errors. Unfortunately, in Stata, there is no pooled-time series Tobit option for this test. Yet, this test can be used after running a standard tobit analysis. The test is not significant, so the model is correctly specified.

## **DISCUSSION**

### **Results**

The findings support partisanship and minority threat as explanations for private prison population sizes. As I expected, states with greater Republican strength have larger numbers of prisoners incarcerated in private facilities. Additionally, minority threat

matters to an extent, when accounting for regional variation. When considering the legacy of for-profit punishment that targeted blacks for enhanced social control associated with this region, my findings indicate that history continues to inform present day outcomes. The significant interaction between former Confederate states and African American populations, suggest that effect of racial threat on privatization matters more in the “Old South,” which can be attributed to the region’s legacy of harsh punishment of blacks. I was unable to find a significant relationship between Hispanic threat and private prison populations, even when taking into account the effect of Hispanic threat in states that border Mexico. Although, prior research has suggested the presence of ethnic threat associated with Hispanics, my findings indicate that the effects of black threat are more pervasive.

The results also show a persistent negative relationship between manufacturing jobs and private prison populations. The literature provides examples of how the absence of a robust economy makes it more likely that communities struggling financially will turn to the prison industry to create jobs. In the wake of deindustrialization, the prison industry has become attractive because it provides seemingly stable jobs, particularly in areas without alternative industries and there are low levels of education among residents. The negative effect of manufacturing on private prisons suggests that states with larger numbers of these jobs are more economically resistant to converting to the prison industry. Since private prison companies actively pursue expansion in economically depressed areas, they are less likely to target such states. An additional explanation is that states that have strong industry also tend to have more legal and social protections for workers. These protections deter private prison companies, since the business model for



these companies depends on reducing labor costs via reductions in benefits and salaries and maintaining non-unionized workforces.

No other economic indicators were significant in the full model. The most oft-cited reason to privatize is to save on costs, yet the results seem to refute this logic. I expected states facing financial difficulties would have larger private prison populations as a solution to alleviate rising corrections costs in state budgets. Yet, state GDP, per capita personal income, and unemployment were not significant predictors for the number of inmates in private prisons, even during and after the recession. There is a precedent for such findings. Price and Riccucci (2005) also reported that economic variables were not significant predictors of prison privatization in their cross-sectional study of prison privatization.

### **Conclusion**

Although researchers disagree on the effects of partisanship on crime control and incarceration policies, the results of this study demonstrate that partisanship does indeed matter to prison privatization (Beckett and Sasson 2000; Greenberg and West 2001; Keen and Jacobs 2009; Price and Riccucci 2005; Smith 2004; Spelman 2009). In this case, Republican strength has a positive relationship with private prison population size. This result could be due to Republican adherence to neo-liberal economic policies that promote privatizing government services and traditional tough on crime approaches. Yet, when considering the millions of dollars private prison firms spend in the political arena - most of which goes to Republicans - it raises further questions about the extent to which these companies influence Republican lawmakers and crime policy.

The regional effects of minority threat are also interesting. The positive significant relationship between African Americans in former Confederate states and private prison populations may reveal lasting consequences of the convict leasing system. The comparison between traditional convict leasing and the current private prison industry have found that both systems benefited from crime policies aimed at poor minorities. After the Civil War, African Americans were targeted for incarceration. Southern lawmakers increased criminalization of non-violent crimes disproportionately committed by blacks, which provided revenues for governments and private companies through the selling of black inmate labor and mitigated black threat. Drug laws in the 1980s, likewise, disproportionately affected blacks by creating felony classifications for drugs largely used by African Americans such as crack cocaine. The result of these laws led to the increased presence of law enforcement in black neighborhoods and the mass imprisonment of black men. Additionally, historical economic development in the South has created fewer legal and organized labor barriers to privatization when compared to other regions and the political and cultural climate is more conservative. The combination of these factors accounts for the relationship between African Americans and large private prison populations in the South.

The evidence presented by this research suggests that the determinants of variation in private prison populations are largely related to Republican strength and regional minority threat from African Americans. The non-significant findings for nearly all economic indicators helps refute the idea that the decision to privatize is largely based on government finances. Private prisons are often touted as money-savers that increase efficiency in facilities help states gain more control over their budgets. These private

companies have also explicitly expressed intentions for expansions into economically depressed areas and have worked to convince states facing budget shortfalls to privatize. Yet, the results indicate that financial issues are not necessarily driving states toward privatization. Even accounting for the post-recession years did not change this finding. The only significant economic factor was employment in manufacturing, which was negatively associated with private prison populations. Although many states have faced financial difficulties since the recession's end, it does not appear that they have capitalized on the private sector to alleviate problems with mass incarceration and corrections budgets. Rather, the forces driving privatization appear to be a response to minority threat and political ideology.

## CHAPTER 4: LONG HARD TIMES TO COME: RACE, POLITICS, AND PRISON ADMISSIONS IN FLORIDA, 2001-2010

How might county-level determinants affect prison admissions rates? Multiple studies addressing the social arrangements that account for prison growth have utilized aggregated state and national-level data (Greenberg and West 2001; Jacobs and Carmichael 2001; Keen and Jacobs 2009; Smith 2004; Spelman 2009; Western et al. 2006). Yet, few studies have examined how social forces at the county-level may affect imprisonments. Those studies that do exist are largely cross-sectional, examine jails and prisons, or focus on urban counties (Arvanites and Asher 2006; McCarthy 1990). Other analyses do not address incarceration directly. Rather, they study related factors such as available bed space, the effects of incarceration on local crime rates and recidivism, the outcomes of prison construction on local economies, and how offender's families are affected by imprisonments (Johnson 2006; DeFina and Hannon 2010; Hooks et al. 2010; Kovandzic & Vieraitis 2006; Sever 2000; Spohn and Holleran 2002). Overwhelmingly, studies examining criminal justice outcomes at the county-level focus on sentencing and its associated disparities (Bontrager, Bales, and Chiricos 2005; Brennan and Spohn 2008; Johnson 2006; King, Johnson, and McGeever 2010; Ulmer, Bader, and Gault 2008).

It is unfortunate that there are few studies examining the county-level determinants of imprisonments, because when compared to state-level data, counties as a unit of analysis have several advantages. When data are aggregated at the state-level, a

great deal of systematic variation between counties is lost (Kovandzic and Vieraitis 2006). Counties also display greater variation over time for a number of indicators including crime and incarceration rates, population, and unemployment (Kovandzic and Vieraitis 2006). Lastly, counties represent “important economic and social units” particularly for people who reside outside of large metropolitan areas and do not have access to city resources (McLaughlin and Stokes 2002, p. 100). Local structures and governments at the county-level, especially in rural counties, may influence the allocation of resources for their residents including education, employment, and welfare. (McLaughlin and Stokes 2002). Access or lack thereof to such resources could have an effect on local crime and incarceration rates.

This county-level analysis of imprisonments uses Florida counties from 2001 to 2010. Florida provides an interesting case study for imprisonments. The state’s conservative punishment history traditionally promoted practices that were especially tough on criminals. From the early 1900s through 1957, Florida operated a dual system of prison punishment for non-capital offenders. Inmates were separated based on race and their ability to perform physical labor. The strongest were sent to work on the chain gangs for the State Convict Road Force and the rest were sent to the state prison farm later known as the Florida State Prison to perform industrial or agricultural work (Miller 2012). Conditions within the prison system, particularly among inmates working on the chain gangs, were brutal. One account states that 13 inmates at a road camp slashed their Achilles tendons with homemade knives and razors to protest the guards’ savage treatment. In another report, witnesses saw an inmate deliberately chop off two fingers in order to be transferred out of the road camp (Miller 2012). As Florida moved to a more

modern penitentiary system in the middle of the 20th century, the history of the farms and chain gangs contributed to “excessive use of imprisonment” as a form of social control (Ohmart and Bradley 1972).

By the early 1970s, Florida prisons faced major problems with overcrowding. A lawsuit against the state, *Costello v. Wainwright*, asserted that prison overcrowding violated prisoners’ 8th Amendment rights. The lawsuit stipulated that Florida should reduce overcrowding by redistributing or reducing the prison population in three ways. The state could enact policies curbing the rate of inmate admissions, increase parole efforts for eligible offenders, or allocate funds to to build more prisons (Schoenfeld 2010). Florida ultimately picked the latter option, which paved the way for the state to adopt even more punitive policies such as mandatory minimums, truth-in-sentencing, and weapons enhancements for felony offenses, because they had the capacity to incarcerate more offenders (Schoenfeld 2010).

Additionally, Florida experienced similar changes in crime and incarceration rates that were reflected in the national prison boom. Despite the overall declines in crime rates since the mid-1990s, Florida and the rest of the nation experienced substantial increases in prison population size (Kovandzic and Vieraitis 2006). From 1994 to 2010, Florida’s violent and property crimes rates were reduce by about half, while imprisonments almost doubled (Florida Department of Corrections 1995, 2011; Florida Department of Law Enforcement 1995, 2011). Increases in imprisonments became so frequent through the 2000s that in 2008, the Florida legislature voted to cut funds for substance abuse treatment programs in order to divert more money toward new prison construction (Report from Alcoholism & Drug Abuse Weekly).

Furthermore, there are distinct racial characteristics to Florida's punishment history. Florida led the nation in lynchings from 1900 to 1930. During that period, Florida lynched African Americans at a rate of 4.5 per 100,000. This rate was twice that of Georgia, Louisiana, and Mississippi and three times that of Alabama (McGovern 1982). Florida was also one of the last states to end convict leasing in 1923 (Mancini 1996). Despite emerging reports detailing the brutality of the practice, Florida's Governor Bloxham declared his support for convict leasing. He argued that most of Florida's prisoners, who were overwhelmingly black, were "a race not characterized by a superior capacity for invention, or manufacturing industries" (Miller 2000). Thus, convict leasing purportedly gave these African American prisoners purpose and provided them with "honest" work.

Florida's imprisonment practices continued to demonstrate racial disparities even after the end of convict leasing. During the road camp and prison farms era, African American inmates wrote to the National Association for the Advancement of Colored People several times to report instances of severe abuse directed toward blacks at the hands of white prison guards. Black inmates also had reduced access to prison rehabilitation services and education (Miller 2012). In the modern era, policies related to the *Costello* decision increased the state's ability and readiness to use incarceration as a form of social control and created a more punitive legal and sentencing structure that disproportionately affects African Americans (Schoenfeld 2010). Currently, blacks make up about 16 percent of Florida's population, but they represent over 40 percent of new prison admissions and nearly half of the overall prison population (Rastogi et al. 2011; FDOC 2010).

Florida's changing demography is also worth consideration. Research on crime, sentencing, and imprisonments has increasingly focused on the perceived threat of Hispanic/Latino groups (Chircos, McEntire, and Gertz 2001; Eitle and Taylor 2008). Between 2000 and 2010, Florida's Hispanic population grew from 16.8 percent to 22.5 percent (Ennis, Rios-Vargas and Albert 2011). Hispanics now represent the largest minority group in the state and the third largest Hispanic population nationwide (Motel and Patten 2012). Threat theories argue that challenges to a dominant group's power result in retaliatory action toward the subordinate challenging group. Chircos, McEntire and Gertz (2001) assert that growing populations of Hispanics, particularly wealthy Cubans in South Florida, represent economic and political threats to whites. Additionally, Hispanics are overrepresented as crime suspects on local television news in Florida, and in these news stories they were almost always associated with reports of interracial/interethnic violence and stranger violence (Chircos and Eschholz 2002). Studies find that among whites, Hispanic immigration and immigrant crime are seen as social problems (Cooper 2000; Lane and Meeker 2000, 2003). Moreover, Eitle and Taylor (2008) find that in Miami-Dade County, when white and black populations were segregated, whites reported greater fear of crime in relation to the size of the Hispanic population.

Florida's punitive history, particularly toward African Americans, its similarity in national crime and imprisonment trends from the 1980s to present, and its rapidly diversifying population make it an important case to study. In this analysis, I examine whether the state's tradition of conservative politics influences imprisonments. The effects of race and ethnicity should also be considered. Florida's severe punishment of



African Americans served to maintain a white-dominated racial hierarchy prior to the civil rights movement and after civil rights it served to alleviate the threat of black crime. More recently, the state's growing Hispanic population has also been associated with fears of crime and victimization. To determine the effects of politics and race on punishment in Florida, I employ a county-level pooled-time series analysis of prison admission rates from 2001 to 2010 that includes 660 county-years.

## **THEORY**

### **The Historical and Political Context of Punishment in Florida**

For most of the twentieth century, punishment had been largely informed by the philosophy of penal welfarism. The tenets of penal welfarism promote criminal justice policies that rely on due process, proportionate punishment, a commitment to rehabilitation, and a reliance on professionals and experts. By the 1970s, however, the penal welfare state began to crumble giving way to more punitive attitudes regarding crime control (Garland 2001; Zimring and Hawkins 1995). Prior research has associated this attitudinal shift with demographic and economic changes, a sense of failure in rehabilitative efforts aimed at prisoners, and rising crime rates (Garland 2001; O'Malley 1992; Parenti 2001; Simon 1993). Yet, many scholars argue that politics acted as the primary catalyst in changing America's approach to criminal justice (Beckett 1997; Beckett and Sasson 2000; Jacobs and Carmichael 2001; Smith 2004).

Beckett (1997) asserts that a major turning point for U.S. crime and punishment policies came when the Democratic Party decided to support civil rights and welfare. The alliance between the Democrats and African Americans along with their commitment to ending segregation alienated white Democratic lawmakers and voters in the South.

Republicans capitalized on the opportunity to claim these newly available votes, by linking African Americans and welfare recipients with crime in order to exploit white racism and conservative ideology in the South (Beckett 1997; Parenti 2001). Republicans framed the Democratic Party and their policies as being permissive of deviant behavior, catering to special interests and non-whites, and being unresponsive to voters. They also demonized welfare as a system that unfairly took hard-earned money (from whites) so that the government could give handouts to undeserving, lazy minorities (Edsall and Edsall 1991). Crime had been somewhat apolitical before the Republicans adopted it as a wedge issue (Beckett 1997; Schoenfeld 2009). However, Republicans found that crime generated a lot of political support, especially when appealing to anti-black voters, which became evident with the success of Nixon's southern strategy. Flamm (2005 p. 22) contends that "For conservatives, black crime would become the means by which to mount a flank attack on the civil rights movement when it was too popular to assault directly." Consequently, many white voters in the South changed parties and began voting Republican, which disrupted the Democrat's traditional stronghold in that region.

Nixon's successful use of "law and order" as a political strategy ushered in new policies that embraced harsher punishments. In his 1970 State of the Union Address, Nixon bashed Johnson's "wars" that had attempted to address inequality such as the wars on poverty, hunger, and disease. Nixon dismissed them as "overblown rhetoric" and stated "...if there is one area where the word 'war' is appropriate it is in the fight against crime. We must declare and win the war against the criminal elements which increasingly threaten our cities, our homes, and our lives" (Nixon 1970). To wage his war on crime, Nixon quadrupled funding for the Law Enforcement Assistance Administration and

formed the Office of Drug Abuse Law Enforcement (Congressional Quarterly Almanac 1969; Weaver 2007). Nixon also proposed anti-crime legislation for the District of Columbia that contained a number of “repressive crime-control” policies (Ervin Jr. 1972 p. 23). Some of these measures included mandatory five-year sentences for offenders convicted of a second armed offense, life sentences for offenders committing a third felony, and expanding the use of wiretapping. The bill also allowed the police to legally enter residences without knocking if they believed someone was in danger or if suspects were tampering with evidence (Weaver 2007).

“Law and order” policies that associated street crime with minorities continued to be used through the 1980s with Reagan’s escalation of the War on Drugs and George H.W. Bush’s use of the infamous Willie Horton campaign advertisement. Even through the 1990s, governors such as George Pataki, and Tom Ridge, ran successful anti-crime campaigns in New York and Pennsylvania (Mendelberg 2001). Prior studies show that candidates who support more punitive crime control policies are likely to win votes from residents in jurisdictions with larger minority populations (Heer 1959; Giles and Buckner 1993’ Giles and Hertz 1994). Their success stems from a sophisticated use of political messaging that taps into the public’s fear of crime and their beliefs that criminals are often members of underclass minority groups (Beckett 1997; Jacobs, Qian, Carmichael, and Kent 2007).

Florida’s narrative did not initially follow the national trends in “law and order” rhetoric because historically, Floridians already employed conservative, punitive social control. The penal welfarism that had dominated other parts of the country in the first half of the 20th century was non-existent in Florida. Since the end of the Civil War, the

state utilized criminal justice policies that targeted minorities and focused on punishing offenders rather than rehabilitating them. One such strategy was convict leasing. The abolition of slavery, damages to infrastructure and industry, and the collapse of the plantation system, had damaged the economies of states throughout the South. This fiscal collapse meant that many local and state governments in the region, including Florida, had limited money and resources, which inhibited their ability to provide basic services. Southern whites, motivated by both racism and economic interests, worked to enact a system that conscripted African Americans back into forced labor (Blackmon 2008; Ledbetter 1993; Lichtenstein 1996). Using the exception in the 13th Amendment that allowed forced labor to continue as punishment for individuals convicted of crimes, Southern states set about finding ways to “criminalize black life” in order to secure workers (Blackmon 2008). Many of these states enacted statutes that outlawed vagrancy and loitering and increased penalties for non-violent crimes such as theft (Blackmon 2008; Curtin 2000; Hallet 2006; Mancini 1996). In Florida, it was illegal for blacks to change employers without permission (Blackmon 2008). These new laws ensured an increase in black arrests, which dramatically changed the demographic composition of Southern prisons. Prior to the Civil War, “virtually all the prisoners had been white” but after the war, almost 90 percent of inmates were black (Ayers 1984).

The practice of convict leasing served the dual purpose of mitigating white fears of black crime and providing cheap labor for private enterprises engaged in the state’s economic development (Lichtenstein 1996). Even as problems with convict leasing soon began to become more well-known through a series of exposes and federal investigations, Florida politicians continued to declare their support for the system (Blackmon 2008;

Miller 2000). Their continued backing of convict leasing stemmed primarily from racist attitudes toward blacks. Southern whites generally believed that African Americans would only work if coerced and that black convict workers tended to be more obedient than their white counterparts (Miller 2000). Governor Bloxham declared that the state's prisoners, the vast majority of whom were black, would be unable to thrive in manufacturing (Miller 2000). Moreover, the Commissioner of Agriculture declared that "as a class [the African American] has a dull or poorly developed moral sense, and lacks mental activity" (Reports on the Commissioner of Agriculture 1916). Such attitudes created considerable opposition within the legislature to ending the practice. By 1913, however, the state began to shift away from the practice because concerns as to how it affected the economy by reducing the number of jobs for free, white citizens (Mancini 1996; Schoenfeld 2009). Additionally, the fact that Florida was the only state that leased out female prisoners was considered somewhat barbaric and hurt the state's reputation as a burgeoning tourist destination (Schoenfeld 2009). In 1913, Florida opened the State Prison Farm in Raiford, a town in one of North Florida's counties. The Farm housed inmates deemed unsuitable for convict labor including the infirmed and eventually women (Florida Statutes 1909; FDOC 2014). The combination of these factors led to the end of the convict leasing by 1923.

The end of convict leasing did not result in the end of convict labor in Florida. Lawmakers argued that the state, not just private industries, should take advantage of prison labor (Florida Department of Agriculture 1921). Prison administrators and politicians believed that labor was the most effective way to keep prisoners healthy and obedient as well as reduce their financial burdens the state incurred on their behalf

(Miller 2000). These beliefs led to the creation of Florida's dual prison system of road camps and prison farms. As in convict leasing, African American inmates were singled out for the most physically demanding work. Upon entry into the Florida system, prisoners were classified as "Grade 1" or "Grade 2." Those labeled "Grade 1" were considered the most able-bodied and were sent to work in the prison road camps to build and maintain roads. Those labeled as "Grade 2" were men with reduced physical capacity and female inmates. They were sent to work on the prison farm where they performed agricultural or light industrial work. Overwhelmingly, blacks were classified as "Grade 1," because white Southerners believed that African Americans were better-suited to tough physical labor and could handle the varied outdoor working conditions (Lichtenstein 1993; Miller 2012). As one federal road commissioner wrote, "The negro is accustomed to outdoor occupations...[and is] experienced in manual labor...[he] does not possess the same aversion to working in public...as is characteristic of the white race" (in Lichtenstein 1996 p. 180). The Federal Road Act of 1916, encouraged the use of such camps. The law stipulated that Southern states could use convict labor as "matching funds" for federal programs that provided money for road improvement projects (Lichtenstein 1996; Schoenfeld 2009). Inmates in these road prisons were forced to wear heavy chains, leading to the term "chain gangs." Conditions in these camps were so brutal it was not uncommon for prisoners to engage in self-harm so they could be transferred to the State Prison Farm (Miller 2012).

In the road camps, many African Americans fared just as poorly as they would have under convict leasing. They lived in unsanitary mobile vans, had little access to medical care, ate substandard food, and suffered abuse from white guards (Lichtenstein

1993; Miller 2000). Blacks were also in charge of building roads in the worst environmental conditions, including malaria-infested swamps, so the state could expand their options for land development and tourism (Miller 2000). The racial disparity within the prison system was further evident when Governor Doyle Carlton forbade white prisoners from working on road construction details in the swamps (Miller 2000). Conditions in the road camps were so harsh that there are multiple accounts of inmates purposely injuring themselves in order to be transferred to the State Prison Farm (Miller 2012). Colburn and Scher (1980 p. 253) point out that the state's "economic vitality" was built upon the backs of black prisoners who were greatly responsible for the transportation infrastructure that led to Florida's development throughout the rest of the century. Furthermore, they endured these tough conditions mainly so as not to become a burden for taxpayers (Miller 2000).

Within the prison system, African Americans were systematically denied access to education, training, or rehabilitative services, because they were considered racially inferior. Prison officials thus made it clear that blacks should expect to receive different and secondary treatment from whites. In his commands to new arrivals at the State Prison Farm, Warden Chapman communicated the clear racial hierarchy telling white convicts, "You white men remember that you are white. Don't fraternize with niggahs." He would then tell black arrivals, "When you address a white man, whether he be a free man or convict, be respectful to him. Take your cap off when you speak to him and call him 'Mistah' or 'Mistah White Folks'" (Baker 1973 p. 54). When the state prison finally opened a school for inmates in 1935, only white prisoners could attend even though illiteracy rates among African American inmates were substantially higher. School

sessions for white prisoners took place during daytime working hours, which excused attendees from their labor details. In 1937, when the prison established a separate school for African American prisoners, they mandated that those classes be taught at night in order to ensure that the black inmates put in a full day of work. Adding insult to injury, black inmates who wished to attend the school were required to apply in writing, which was a difficult task for an inmate population that largely could not read or write (Miller 2012). The disparate educational opportunities for whites and blacks can be considered a reflection of an underlying belief among Floridians during this period that African Americans were racially predisposed to crime. Efforts to educate and rehabilitate black inmates were regarded as futile. It was considered more humane for African Americans to remain incarcerated because prison would provide a better, more structured life than the outside world (Miller 2012). Moreover, conservative opponents who were against expanding the state's welfare and jobs skills training programs as a way to reduce black imprisonments echoed the same beliefs. They argued that such programs were a stupid investment for a population that would probably still engage in crime (Miller 2012).

Although there is debate among scholars over the extent to which politicians had politicized crime issues nationally, most argue that the turning point came in the late 1960s when such issues were highlighted in the campaigns of Goldwater and Nixon (Beckett 1997; Gottschalk 2006; Parenti 2001; Selman and Leighton 2010). Such politicizing of punishment in Florida was apparent in the decades prior to the Republican Party's adoption of "law and order." The relationship between politics and crime issues in the state were largely the result of a desire to maintain white dominance (Schoenfeld 2009). Crime control was primarily handled by counties and local sheriffs. Under Jim



Crow, sheriffs had the authority to arrest African Americans at their discretion and allowed vigilante “justice” such as lynchings to be carried out in their jurisdictions (Shofner 1981). Florida’s state legislators also made prisons political due to the economic value they could provide to their districts. For representatives of rural districts, the prisons provided another avenue of employment besides farmwork (Schoenfeld 2009).

Following a riot at the State Prison Farm over the inmates’ access to food in 1956, Florida began to move away from labor-based punishment and toward a modern penitentiary system (Miller 2012). During this time, Florida adopted new legislation that restructured and centralized the prison system and created a Division of Corrections. This new division was headed by R.O. Culver, a former federal prison system officer (Florida Department of Corrections 2014; Miller 2012). In a letter to the governor, Culver specified several suggestions for improving Florida’s prison system. These suggestions included providing better conditions, expanding prisoner health care, professionalizing prison staff, and creating more suitable rehabilitative programs for prisoners such as job-skills training in Florida’s growth industries (Culver 1957). These measures, specifically the professionalized staff and the increased commitment to rehabilitation reflect some of the tenets of penal welfarism that - save for a few education and job skills programs - previously had not existed in Florida. Disputes with labor unions and the passage of the Federal Highway Act also helped decrease the state’s use of inmate labor for construction projects and led to the disbanding of the road prisons (Colburn and Scher 1980; Miller 2012). By 1957, the governor also abolished the use of “sweat boxes” in the prison system, which heralded the state’s new-found commitment to rehabilitation and signaled

the state's first steps to end an era of punishment characterized by convict leasing, chain gangs, and prison farms (FDOC 2014; Miller 2012).

Through the 1950s and 1960s, the state built several new correctional facilities, but inmate populations continued to outpace construction. Florida's overall population grew from 2.77 million to 6.79 million between 1950 and 1970 and its prison population reflected this growth (Schoenfeld 2009). In the same time period, Florida's prison population expanded from 3,973 to 8,793, a 121 percent increase (Florida Department of Corrections 2014). Like the rest of the country, Florida's crime rate surged in the 1960s with property crime and violent crime rising 94 and 123 percent, respectively (Schoenfeld 2009; Uniform Crime Reports 1960-1970).

Florida also had difficulties implementing Culver's suggested reforms. Following a series of disturbances among inmates at the newly opened maximum security prison, an investigation uncovered many prisoner abuse incidents. An indictment against fourteen of the guards revealed they punished prisoners by chaining them naked to their cell bars, denied them food for up to 10 days, turned high-pressure water hoses on them, and treated their wounds with salt. Guards had also stood by while three inmates beat another prisoner to death. These incidents were largely interracial with white guards directing most of their abuse toward black inmates (Miller 2012; New York Times 1959). The case became highly politicized. Culver, who had launched the investigation of the abuses, was replaced as head of the Division of Corrections while the governor and his political allies publicly supported the accused guards. The US Federal Court in Jacksonville tried the case and the jury acquitted the guards after the judge encouraged them to deliver a verdict of "not guilty" (Office of the Governor 1959). Eleven of the guards later returned to their

jobs at the prison. Culver's exit from the Division of Corrections, the political support for the guards, along with their acquittal and reinstatement discredited Florida's burgeoning penal reform movement. The events surrounding the case sent a message that the state would be willing to tolerate brutality in the prison system (Miller 2012). By the end of the 1950s, legislators realized that their prison system was "...25 years behind the times. We've got to catch up, and then plan for 25 years into the future" (Office of the Governor 1958).

Through the 1960s, and 1970s, conditions in Florida's prisons as well as their crime control policies faced legal challenges on the grounds of civil rights. Schoenfeld (2010) argues that one case, *Costello v. Wainwright (1973)*, derailed the state's brief attempt at incorporating penal welfarism into their justice system and realigned Florida with prevailing national attitudes that embraced more crime control and tough punishment. The case was a class action lawsuit against the state to address overcrowding, sanitation, and access to health care in the prison system (Florida Department of Corrections 2014). The lawsuit stipulated that Florida must reduce overcrowding in its facilities in at least one of three ways: curtail inmate admissions, expand early release for eligible inmates, or build additional facilities (Schoenfeld 2010). In the two years following the lawsuit, Florida legislators still had not approved additional funds to address the problems within the prison system. Tobias Simon, the main attorney on the case, filed and was granted a federal injunction against the Florida Division of Corrections and its director, Louie L. Wainwright. Judge Scott, who granted the injunction, ordered that overcrowding must be addressed by having the prisons reduce their population until it reached "normal capacity." Normal capacity was defined as the

inmate population size that the prison system on average could properly house and care for on a daily basis (Schoenfeld 2010; *Costello v. Wainwright* 1975). Schoenfeld (2010) asserts that since the judge structured his court order around the concept of capacity, the injunction did not force Florida legislators to make significant changes to sentencing structures or expand the use of early release and diversion programs.

For the next several years, Florida lawmakers attempted to address this injunction. One effort was the passage of the Corrections Reform Act (1983). The law attempted to decrease incarceration rates by making sentence guidelines shorter, providing alternative dispositions like drug treatment programs, and creating stricter probation policies. It also authorized early release of prisoners if the inmate population reached 98 percent of the lawful capacity specified by the injunction (Florida Department of Corrections 2014). This form of early release replaced the parole system with a deterministic sentencing structure that allowed prisoners to earn “gain time.” Under this system, prisoners convicted after July 1, 1978 would have ten days removed from their overall sentence for every month served. Additional gain time could be earned for good behavior (*Orosz v. Singletary Jr.* 1995). The War on Drugs provided the first real test for this system. Large increases in admissions for drug crimes triggered the early release mechanism as the prison faced another overcrowding crisis.

In the mid-1980s, the crack-cocaine scare and violence associated with it motivated the legislature to restrict habitual drug offenders from receiving early release (Schoenfeld 2010). These restrictions on drug offenders were in part influenced by Governor Robert Martinez, Florida’s first Republican governor in since the 1960s. Martinez supported more aggressive policing and expanding the use of prison to punish

offenders (Nordheimer 1986; Schoenfeld 2010). Additionally, Martinez and his Secretary of Corrections, Richard Duggar, believed that previous efforts to comply with the *Costello* injunction through increasing parole and early release had been a mistake. Instead, both men wanted to enact policies that would promote prison construction. To convince lawmakers to support the plan, Martinez and his supporters employed scare tactics. They mailed legislators lists of inmates in their districts scheduled for early release as a way to bully them into increasing prison capacity (Interview, Bobby Brantley 2007 in Schoenfeld 2009). Between 1987 and 1989, the legislature responded by authorizing about 19,000 new prison beds (Kleindienst 1989).

The end of early release altogether finally came after the murder of two Miami police officers (Schoenfeld 2010). The perpetrator, a black man named Charlie Street, had been out on early release for 10 days before committing the homicides. Street had been sentenced to attempted murder and only served eight years of his 15 year sentence. In a biting editorial, the *Miami Herald*, referred to Street as “Florida’s Willie Horton” (Herald Staff 1988). Florida sheriffs responded by filing a lawsuit against Duggar and the Department of Corrections, to challenge the early release policies that created “revolving door” prisons (Kleindienst 1989). Sheriff Charlie Wells, a supporter of the lawsuit bashed the gain time system and early release program stating, “There is no justice or accountability when a computer program deducts 20 or 30 days from a sentence lawfully imposed, sometimes several times a month, just to release someone, someplace to make room for another” (Kleindienst 1989). The Charlie Street case and the negative reaction of law enforcement to early release forced legislators to discard policies aimed at

reducing the prison population and instead focus on prison construction so that they could simply make room for more criminals (Dahl 1989).

Politicians' willingness to increase prison capacity and expand their use of incarceration to punish paved the way for a number of tough "law and order" policies through the 1990s and realigned Florida with national attitudes regarding punitive crime control (Schoenfeld 2010). Republicans introduced and enacted many of these policies. For instance, in 1995, future Governor Charlie Crist, sponsored legislation to reintroduce chain gangs in the Florida Senate. Crist and his supporters claimed that these modern chain gangs would send an effective deterrence message. They also asserted these chain gangs would be more humane than their historical predecessor, because prisoners would not be chained together and would wear protective covering to prevent chafing from the shackles. Critics argued that the restoration of chain gangs, which were likely to be comprised largely of black men, revived images of the South's history of racialized punishment (Navarro 1995). After assuming the governorship in 1999, Jeb Bush and the Republican-controlled Florida legislature passed the Three Strike Violent Felony Offender Act and 10-20-Life. The latter statute stipulated that possessing a firearm while committing a violent or drug-related offense would result in a mandatory minimum sentence of 10 years. Discharging a firearm during the commission of a violent or drug-related offense would result in 20 years, and if a homicide resulted in the course of one of those crimes, a life sentence would be imposed (Florida Department of Corrections 2014). In 2007, Governor Crist and the Republican legislature passed the Anti-Murder Act, which mandated that probation violators must be jailed until the court determined if the offender posed a violent threat to the community. To comply with the law, the Florida

Department of Corrections created an identification guide and database for ‘Violent Felony Offenders of Special Concern’ to aid the courts in determining, which probation violators should not be released from custody (Florida Department of Corrections 2007).

From Reconstruction through the present, Florida’s history of punishment has been characterized as being incredibly harsh, especially when compared to most other states outside the South. While a large portion of the United States adhered to the tenets of penal welfarism for the majority of the 20th century, Florida did not fully embrace rehabilitation and reform until almost the 1960s. Even then, Florida’s attempts at reform were few and short-lived with the state returning to the national trend of tough justice by the 1980s. Florida’s history of punishment has also been dominated by politics. Earlier forms of punishment including convict leasing and chain gangs were used to improve the state’s economy and infrastructure while maintaining white racial dominance in the state. From the 1980s to the present day, Republican lawmakers adopted more punitive crime control policies in order to score political points. Therefore, based on Florida’s conservative approach to punishment both historically and today, *I expect that counties with greater Republican strength will have higher rates of imprisonment.*

### **Minority Threat**

Prior research has documented the extent to which racial disparity, particularly involving African Americans, affects the criminal justice system. Scholars find that African Americans are more likely to be imprisoned and face harsher sentencing when compared to whites (Albonetti 1991, 1997; Bonczar and Beck 1997; Bonczar 2003; Bridges, Crutchfield, and Simpson 1987; Donziger 1996; Greenberg and West 2001; Helms and Jacobs 2002; Keena and Jacobs 2008; Miller 1996; Tonry 1995; Western 2006). Such

disparities are reflected in Florida's prisons. In 2010, African Americans accounted for 45 percent of inmate admissions and 49 percent of the inmate population in Florida (Florida Department of Corrections 2011). African Americans also comprised 63 percent of felons convicted under the state's 10-20-Life law (Florida Department of Corrections, 2007; Schoenfeld 2010). These disproportionate imprisonment rates cannot simply be explained by crime rates alone (Western 2006). Rather, the high rates of black imprisonment are likely tied to historic patterns of racial prejudice and the framing of African Americans as perpetrators of crime (Keen and Jacobs 2009). When examining Florida's punishment history, such prejudice is reflected in the use of convict leasing, chain gangs, and unequal prison conditions between black and white prisoners.

Today, the structure of Florida's prison system has changed, but fear of black crime and the disproportionate imprisonments of African Americans has not. Beckett (1997) argues that white fear of black crime has intensified with crime programming on local news and fictional television shows. Such media highlighting has strengthened associations between African Americans and crime leading to greater fear of blacks among white populations even when controlling for crime rates (Liska, Lawrence, and Sanchirico 1982; Quillian and Pager 2001). When examining Florida specifically, researchers have found that whites in close proximity to blacks report increased fear of crime and blacks are 2.4 times more likely than whites to be shown as crime suspects on local news (Chiricos and Eschholz 2002; Chiricos, McEntire, and Gertz 2001). In order to reduce fear among whites and mollify the potential criminal threat of black populations, states have adopted social controls such as increased policing, more punitive sentencing structures, and increased imprisonments (Chambliss 1994; Wacquant 2001). Research on



these strategies in Florida have found that African Americans are more likely to be affected by sentencing enhancements, have adjudication withheld, and be sentenced as habitual offenders, which have contributed to a prison population that is currently half black (Bontrager, Bales, and Chiricos 2005; Crawford, Chiricos and Kleck 1998; Florida Department of Corrections 2007, 2010).

Prior investigations of the effects of racial threat on punitive outcomes have suggested the possibility of nonlinear relationship. Myers and Talrico (1987) conducted a county-level analysis of black criminal defendants in Georgia. They found that counties with large black populations - between 25 and 49 percent - were more likely to be sentenced to prison. However, counties where the African American population exceeded 50 percent of the total population experienced a decrease in the likelihood a black defendant would be incarcerated. Crawford, Chiricos, and Kleck (1998) found that in Florida counties, blacks were more likely to be sentenced as habitual offenders in counties both above and below the state's median African American population. This race effect, however, was more significant in counties with smaller African American populations. Racial threat theories posit that as African American populations expand, it is more likely they will gain more economic and political resources. Such resources increase the chance that blacks will be somewhat accepted by whites as well as create a more powerful voting bloc that can be used to advance platforms that benefit African American communities (Blalock 1967; Durso and Jacobs 2013). Given Florida's history of levying disproportionate punishments toward African Americans coupled with prior research and theory suggesting a probable nonlinear relationship, *I expect to find an inverse quadratic relationship between African American population and prison*

*admissions. This relationship should display an inverted U-shape with a positive sign on the term measuring black population and a negative sign on the square of this term.*

### **Hispanic Threat**

In Florida, Hispanics make up the largest minority group. Yet, this population is varied. Florida's large Cuban population has been, for the most part, highly successful both economically and politically, especially in South Florida (Boswell 2002; Chiricos, McEntire, and Gertz 2001). The state also experienced an influx of new Hispanic immigrants from Latin America, Mexico and the Caribbean over the last decades (Murley et al. 2008). These groups pose different potential threats to white populations in the state. The Cuban population may challenge white dominance in the economic and political sectors, while the foreign-born Hispanic populations may enhance white fear of crime and victimization (Chiricos and Eschholz 2002; Chiricos, McEntire, and Gertz 2001; Eitle and Taylor 2008). Research examining criminal justice outcomes has increasingly analyzed the effect of threats posed by growing Hispanic populations. Like African Americans, Hispanics have experienced disparate treatment within the criminal justice system. Hispanics are also likely to experience greater rates of imprisonment and harsher criminal sentencing when compared to whites (Albonetti 1997; Carson and Golinelli 2013; Steffensmeir and Demuth 2000). Such outcomes may be related to an increase in fear among whites about Hispanics as a potentially criminal group. Hispanics are often linked with stereotypes of illegal immigration, drug activity, and gang membership and in Florida they have been overrepresented in local television news stories about crime (Castro 1998; Chiricos and Eschholz 2002; Greenberg and West

2001; Papachristos 2005). Florida's Hispanics are also more likely to receive harsher sentences, have adjudication withheld, and serve time in prison for drug crimes when compared to whites (Albonetti 1997; Bontrager, Bales, and Chiricos 2005; Unever and Hembroff 1988). The combination of such threats makes it likely that Floridians will increase social control efforts to offset the potential risks posed by Hispanics. *Therefore, I expect that counties with large or expanding Hispanic populations will have higher rates of prison admissions.*

### **Drug Courts**

Since the War on Drugs began, most governments have focused their efforts on increased law enforcement and imprisonments to curb drug-related crime (Beckett et al. 2006; Chambliss 1994; Peters and Murrin 2000). These efforts, however, have not resulted in a major decrease in drug crimes. Rather, they have increased prison populations and disproportionately penalized poor people of color (Beckett et al. 2006; Spohn 2000). As Peters and Murrin (2000) note, "There is now growing recognition that incarceration by itself does little to break the cycle of drugs and crime." This is because incarceration often does little to address addiction, which is the underlying cause for many drug offenses. People who become addicted to drugs often cannot keep up with the expenses their addiction incurs. Addicts, thus turn to crime - including theft, robbery, and burglary - which generates income for drug purchases (Gottfredson, Najaka, and Kearley 2003). In a study on habitual offenders in Florida, Irwin and Austin (2000) found that two-thirds of their sample had been using drugs at the time they offended. Thirty-six percent of their sample had severe crack addictions and became involved in property crime and drug trafficking in order to financially support their habit (2000). Additionally, Spohn and

Holleran (2002) find that incarceration does not reduce or delay recidivism among drug offenders.

In 1989, Florida established the nation's first drug court in Miami-Dade County (Florida Courts 2014; Gottfredson, Najaka, and Kearley 2003). Drug courts divert drug-addicted offenders from traditional criminal courts. Offenders sent to a drug court receive a suspended sentence and are put into a treatment program for a minimum of one year (Eleventh Judicial Circuit of Florida 2014; National Association of Drug Court Professionals 2014; Peters and Murrin 2000). The court provides rehabilitative services that help the offender get clean and learn how to maintain sobriety. If the offender completes the program successfully, he or she will not have a conviction on their record and first-time offenders can have their case records sealed or expunged (Eleventh Judicial Circuit of Florida 2014). The ultimate goal for these courts is to reduce imprisonments for drug crimes by reducing the number of new prison admissions for these offenses and helping habitual offenders break the cycle of addiction and crime. In Florida, studies show these courts help reduce the numbers of re-arrests among drug offenders in a two year period following successful completion of a drug court program when compared to offenders who were not processed through drug courts (Peters and Murrin 2000; Malsch et al. 2013). Hence, drug courts should reduce prison admissions by diverting offenders and decreasing the chance that formerly drug-addicted persons will re-offend. *Therefore, I expect to find that the presence of a drug court in a county should reduce the rate of prison admissions.*

## **Additional Considerations**

### ***Social Disorganization and Arrests***

Social disorganization may also influence rates of imprisonment. Sampson and Laub (1993 p. 295) assert that "...counties characterized by...a large concentration of the 'underclass' are more likely than other counties to be perceived as containing offensive and threatening populations." Such populations tend to include the impoverished, welfare recipients, and large numbers of single female-headed households. The concentrated disadvantage associated with the underclass display characteristics that people associate with crime that go beyond just race (Bontrager, Bales, and Chiricos 2005). Moreover, findings show that the poverty associated with these underclass communities predicts disorder, which leads to increased crime control actions in the communities in which they reside (Chambliss 2001; Sampson and Raudenbush 2001). Incarceration, therefore, may be used as a tool to mollify threats posed by the underclass, so *I expect counties with high rates of poverty will also have high rates of prison admissions.*

When examining imprisonments, it is necessary to take into account the effects of crime. We would expect that in areas with increasing crime there will be greater demand for social controls including increases in incarceration. Prior research identifies a relationship between increases in violent crimes and incarceration (Keen and Jacobs 2006; Spelman 2009). Scholars also find that the enforcement of drug control policies also account for prison growth (Blumstein and Beck 1999; Greenberg and West 2001; Spohn 2000; Tonry 1995, 1999). Since the mid-1990s, however, crime rates have almost continuously declined. Florida's violent and property crimes have been reduced by half during this time period, and yet incarcerations in this state, along with the rest of the

country, have continued to rise. Some scholars find that crime rates no longer explain imprisonments (Jacobs and Carmichael 2001; Smith 2004). Because of the mixed results regarding the effects of crime on imprisonments, I instead analyze the relationship between arrests and imprisonments. Although crime rates can trigger an increase in repressive crime control measures, arrest rates better reflect the population size of offenders who are likely to be imprisoned (Sever 2000). *I expect that counties with high arrest rates for violent, property, and drug crimes will also have high rates of imprisonments.*

### ***Economic Considerations***

Crime scholars have argued that imprisonments may be used to control potentially unruly populations during economic downturns that produce large populations of unemployed or underemployed persons (Britt 2000; Kovandzic and Vieraitis 2006). Research providing evidence for the argument has yielded mixed results. Some studies find a positive relationship between increases in unemployment and subsequent increases in imprisonments (Box and Hale 1982, 1985; Cappell and Sykes 1991; Hale 1989; Rusche and Kirchheimer 1939; Sabol 1989). Others studies do not find a significant relationship between unemployment and incarceration (Eitle et al. 2002; Jacobs and Helms 1996). Scholars have also suggested additional links between unemployment and crime. For instance, judges may sentence the unemployed more harshly to reduce their potential threat to the community. The unemployed may also be at a greater risk of committing crimes as a way to make money when jobs are scarce (Adamson 1984; Box 1987; Chen 2013; Greenberg 1977). Moreover, Chen (2013) argues that already high rates of incarceration produce populations of ex-felons who are likely to congregate in certain

neighborhoods. Their felony record makes it hard for them to find legitimate work and so they return to crime. For these reasons, *I expect that counties with high unemployment rates will have corresponding high rates of imprisonments.*

I also consider median household income as another effect that could influence prison admission rates. Scholars note that for most people, poverty and unemployment, are temporary conditions and do not denote automatic underclass status (Bane and Ellwood 2986; Ricketts and Sawhill 1988). Therefore, other indicators should be considered in order to gauge the overall strength of an economy and tax base of an area. Local government structures at the county-level, especially in rural counties, may influence resident's attainment of welfare and employment services and determine the quality education and healthcare (McLaughlin and Stokes 2002). Increased access to such resources may undercut the characteristics of social disadvantage and disorganization that lead to crime and imprisonments. It follows that, counties with higher median household incomes can provide more tax revenue that is used to fund these resources, *so I expect that these counties will have lower rates of prison admissions.*

## **DATA & METHODS**

### **Dependent Variable and Sample**

The dependent variable is the rate of prison admissions per 100,000 people by county annually, which includes all persons convicted of a felony crime sentenced to prison in an adult correctional facility. This analysis covers a 10 year sample period from 2001 to 2010 and includes 66 of Florida's 67 counties. Liberty county is not considered in this analysis owing to several consecutive years of missing crime and arrest data. The overall sample size is therefore, 660 county-years. The variable is estimated in its log form to

adjust for the its skewed distribution. Data used to construct this variable were obtained from the Florida Department of Corrections and the Florida Department of Law Enforcement.

### **Explanatory Variables**

I include percentages of African American and Hispanic populations in the model to test the minority threat hypothesis. While the majority of studies have found that social control measures increase in line with increases in African American populations, other research has found that in some cases, there is a diminished effect of such measures including harsh sentences and use of incarceration for areas with large African American populations (Myers and Talrico 1987). To account for a possible non-linear relationship between the size of black populations and county-level incarceration rates, I include a quadratic term for percentage of African Americans.

In the past twenty-five years, Florida has enacted a number of “tough on crime” policies including truth-in-sentencing, parole reductions, and the 10-20-Life statutes. The majority of these policies were introduced and enacted by Republicans who as a party tend to promote harsher crime control policies in general. It is likely that counties with stronger Republican leanings will be more punitive and thus have higher incarceration rates. To test the effects of Republican strength, I use the percentage of Republican votes for president as well as Republican votes for governor.<sup>6</sup> I include both measures because, although governors have more influence over criminal justice policies in their state, the voter turnout rates for presidential elections are much higher. For the presidential elections of 2000, 2004, and 2008, voter turnout in Florida averaged 73 percent, but the

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<sup>6</sup> These two measures are correlated at .64.



gubernatorial elections held in corresponding off-years - 2002, 2006, and 2010 - only yielded averages of 50.3 percent (Florida Department of State 2014). Therefore, presidential votes may be a stronger indicator for Republican strength. Data for this variable were obtained from the Office of the Florida Secretary of State and Florida Division of Elections.

Since drug courts may divert people from incarceration into treatment and break the cycle of drugs and crime among habitual offenders, I expect that the presence of a drug court in a county should reduce the incarceration rate. I measure drug courts with a dummy variable that codes counties with adult drug courts as “1.” Data for this variable were gathered from the each of Florida’s 20 circuit courts and from the Florida Courts.

### **Control Variables**

To capture effects related to crime, I include arrest rates for violent, property, and drug crimes. These rates were obtained from the Uniform Crime Reports compiled by the Florida Department of Law Enforcement. Since social disorganization is often cited as a precursor to crime, I also include a measure for percentage of people living in poverty gathered from the Florida Office of Economic and Demographic Research.

I include two economic measures in the models, percent unemployed and median household income. Prior research suggests that imprisonments may be used as a way to control potentially menacing populations during times of economic turmoil. Since the sample time period captures the Great Recession and part of the recovery, unemployment may have an effect on imprisonment rates. Additionally, median household income is also important to consider in order to test a county’s overall economic strength. These

measures were obtained from the Bureau of Labor Statistics and the Florida Office of Economic and Demographic Research, respectively.

### **Estimation**

I use pooled-time series regression, to estimate my models. Pooled-time series models analyze data involving repeated observations of entities over time. I employ a random-effects approach. Random-effects assume that the unobserved variables are uncorrelated with the observed variables in the model (Allison 2009). Although fixed-effects models better handle omitted variable bias because they hold constant any case characteristics that do not change, they cannot estimate the effects of time-invariant indicators (Allison 2009; Johnston and DiNardo 1997). Therefore, in situations where theoretically compelling variables that do not change over time should be estimated in the model, random-effects is appropriate. In this analysis, I examine the effects of drug courts on imprisonments, which is an important time-invariant indicator.

All explanatory variables in the model are lagged by one year, since changes in demographics, partisan control, arrests, and economic indicators should not instantly change the rate at which a county admits offenders to prison. Four explanatory variables, Hispanic population, percentage of people below the poverty line, unemployment, and median household income, are estimated in their log form to account for their skewed distributions. All signs on the coefficients should be positive except for median household income, which is expected to have a negative sign.

## Descriptive Statistics

Table 7 shows the means, standard deviations, and predicted signs for the dependent variable and continuous explanatory variables

**Table 7. Expected Signs, Variable Means, and Standard Deviations (N = 660 state-years)**

Variable	Expected Sign	Mean	Std. Dev.
Ln. Prison Admissions/Population	-----	5.347	1.344
% Black	+	13.730	9.346
Ln. % Hispanic	+	1.896	0.858
% Republican Votes for President	+	57.319	10.572
% Republican Votes for Governor	+	57.462	9.235
Violent Crime Arrest Rates	+	285.493	144.913
Property Crime Arrest Rates	+	617.913	240.181
Drug Crime Arrest Rates	+	731.728	292.323
Ln. % Poverty	+	2.674	0.327
% Unemployment	+	5.826	2.710
Ln. Median Household Income	-	10.563	0.198

## ANALYSES

### Pooled-Time Series Regression Models

Model 1 in Table 8 represents a baseline model. Additional effects are held constant in subsequent models. This model estimates the effects of African American and Hispanic populations, Republican votes for president and governor, and the presence of a drug court. As expected, the presence of a drug court has a negative effect on imprisonment rates. Only one of the indicators for Republican strength, votes for Republican presidential candidates, has a significant effect on the dependent variable. Surprisingly, variables pertaining to minority threat are nonsignificant. These early results provide initial support for theories pertaining to partisanship and drug courts.

**Table 8: Random-Effects Pooled-Time Series Regression Models of the Determinants of County Prison Admissions with One Year Lags (N = 660)**

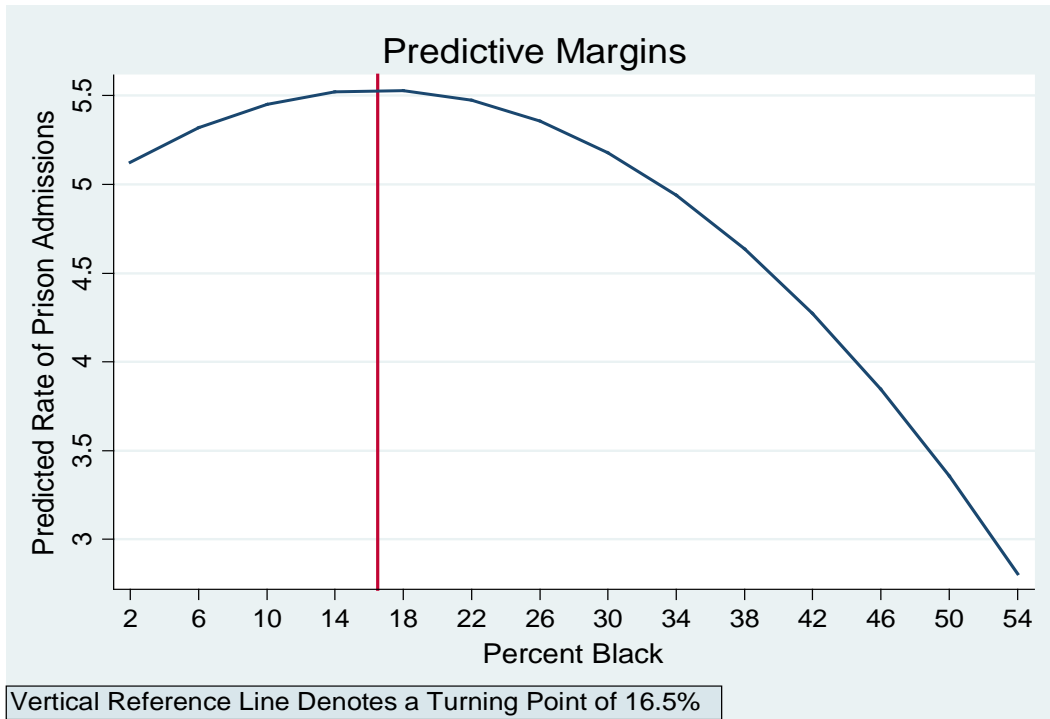
	Model 1		Model 2	
	Coef.	Std. Err.	Coef.	Std. Err.
Percent Black <sup>†</sup>	-.0098	.0209	<b>.0865***</b>	.0386
Percent Black <sup>2</sup>	-----	-----	<b>-.0021***</b>	.0005
Ln. Percent Hispanic	.1988	.1371	.0978	.1319
Percent Republican Votes for President	.0135***	.0037	.0153***	.0034
Percent Republican Votes for Governor	.0028	.0029	-.0028	.0028
Adult Drug Court Dummy	-.9137*	.3946	-.7512	.4048
Intercept	5.0574***	.4974	4.3124***	.6198
R <sup>2</sup>	.1210		.1519	

Significance: \* $\leq .05$  \*\* $\leq .01$  \*\*\* $\leq .001$  (two-tailed tests)

<sup>†</sup>The bolded reported coefficients for the quadratic term on percent black indicates the joint significance.

I predict that African American populations may have a nonlinear relationship with the dependent variable. In Model 2, I add a quadratic term for percentage of African Americans to the model. As expected, when accounting for this nonlinear relationship, the joint effect of both the squared and non-squared terms for African American populations on prison admission rates is significant. Figure 5 illustrates this relationship between the two variables. As African American population increases so do imprisonment rates. Once the black population reaches a threshold of about 16.5 percent, however, the rate of imprisonment in a county decreases. The median and mean African American populations in Florida counties are 10.9 and 13.7 percent, respectively. Therefore, the negative effects of large black populations on imprisonments should only occur in counties with black populations well-above the median and mean. The addition

of the quadratic term renders the relationship between drug courts and imprisonments nonsignificant. Republican votes for president, however, continue to have a positive relationship with the dependent variable.



**Figure 5: Predicted Nonlinear Relationship between African American Populations and Prison Admissions**

Model 3 presented in Table 9, adds the control variables for arrests and poverty. The introduction of these controls revives the negative effect of adult drug courts on imprisonment rates. Additionally, the positive and significant effect of Republican votes for president and the nonlinear relationship of African American populations on the dependent variable persist. In the final model I add two economic indicators, percentage of people unemployed and median household incomes. None of the added variables have a significant relationship with imprisonment rates. As with prior models, partisanship and the quadratic term for African American populations remains significant. Drug courts also continue to have a negative and significant effect on imprisonments. The addition of

these variables, however, does not change the nonsignificant findings for the other indicators controlling for arrests and poverty in the model. This full model provides support for my theories predicting the positive effects of partisanship, minority threat and the negative effects of drug courts on prison admissions.

**Table 9: Random-Effects Pooled-Time Series Regression Models of the Determinants of County Prison Admissions with One Year Lags (N = 660)**

	<b>Model 3</b>		<b>Model 4</b>	
	<u>Coef.</u>	<u>Std. Err.</u>	<u>Coef.</u>	<u>Std. Err.</u>
Percent Black <sup>†</sup>	<b>.0882***</b>	.0403	<b>.0872***</b>	.0401
Percent Black <sup>2</sup>	<b>-.0021***</b>	.0006	<b>-.0021***</b>	.0006
Ln. Percent Hispanic	.1251	.1359	.1464	.1675
Percent Republican Votes for President	.0146***	.0036	.0137***	.0036
Percent Republican Votes for Governor	-.0030	.0027	-.0031	.0027
Adult Drug Court Dummy	-.8155*	.4151	-.8190*	.4147
Violent Crime Arrest Rate	.0001	.0001	.0001	.0001
Property Crime Arrest Rate <sup>A</sup>	.0002	.0009	.0005	.0009
Drug Crime Arrest Rate	.0001	.0001	.0001	.0001
Ln. Percent Poverty	-.1075	.1421	-.0231	.1508
Ln. Percent Unemployment	-----	-----	-.0684	.0441
Ln. Median Household Income	-----	-----	.0441	.2535
Intercept	4.5165***	.6859	3.9561	2.5819
R <sup>2</sup>	.1659		.1699	

Significance: \* $\leq .05$  \*\* $\leq .01$  \*\*\* $\leq .001$  (two-tailed tests)

<sup>†</sup>The bolded reported coefficients for the quadratic term on percent black indicates the joint significance.

<sup>A</sup>Coefficients have been multiplied by 10.

### **Model Sensitivity**

In additional models (not shown), I tested other models that used crime rates instead of the arrest rates to control for crime. Crime rates did not have a significant effect on prison admissions and do not change the overall results of the analysis. I also test additional measures for social disorganization including percentage of unwed mothers and high school dropout rates. Neither measure was significant nor did they change the overall findings, so they are not included in the final models. Chiricos, McEntire, and Gertz (2001), reported in their study of perceived crime threats that whites inside of South Florida found Hispanics to be more threatening than whites who lived outside of that region. Following this precedent, I tested whether the effects of Hispanic threat differed in South Florida when compared to the rest of the state. After interacting Hispanic populations with a dummy variable measuring South Florida, I found no significant relationship between Hispanic threat and imprisonment rates. When I conduct postestimation tests on the final model, the linktest indicated that there was no specification error.

## **DISCUSSION**

### **Results**

My findings support partisanship and racial threat theories. Republican strength - as measured by Republican votes for president - was positively associated with prison admissions in all four models. These findings also demonstrate that racial threat explanations may also account for prison admissions. The nonlinear relationship between black populations and imprisonments reveals that imprisonments will increase in the presence of African American populations until that population reaches a turning point.

When this point is reached, then imprisonments should begin to decrease. As threat theory suggests, although large minority populations may be considered threatening to whites, their growth may help them accumulate enough political and economic influence to weaken social control efforts that target their communities. Although Florida has experienced significant growth in their Hispanic population and prior studies indicate that Hispanic populations trigger a fear of crime among whites in Florida, threat effects associated with Hispanic populations are nonsignificant in these models even when accounting for possible regional effects.

The significant negative effect of drug courts on imprisonments is also notable. Scholars have found that the enforcement of drug control policies contribute to prison growth (Blumstein and Beck 1999; Greenberg and West 2001; Spohn and Holleran 2000; Tonry 1995, 1999). Critics of using imprisonment to punish drug offenders argue that such policies disproportionately harm the poor and minorities (Alexander 2012; Beckett et al. 2006; Chambliss 1994). These policies also do little to reduce drug crimes or recidivism rates (Malsch et al. 2013; Peters and Murrin 2000). Proponents of drug courts and similar diversion programs argue that expanding their use may help reduce prison population increases in two ways. These diversion programs should curtail the number of new inmate admissions for drug crimes as well as reduce recidivism rates for drug-related offenses. Two studies of Florida drug courts find that these programs notably lessened recidivism rates among drug offenders when compared to those sentenced to prison following a two year period (Peters and Murrin 2000; Malsch et al. 2013). Yet, to the best of my knowledge, there have been no systematic studies that measure whether the



presence of a drug court reduced imprisonment rates over time. My results show, that at the county-level, drug courts decrease inmate admission rates over a ten year period.

Arrest rates, economic indicators, and poverty also did not have any explanatory power on prison admissions. The nonsignificant effect of crime has been documented in the literature, and perhaps provides support that imprisonments are less about fighting crime and instead are more about controlling threatening minorities (Greenberg and West 2001; Smith 2004; Tonry 1999).

### **Conclusions**

In Tonry's (1999) analysis of factors that account for increases in incarceration despite falling crime rates, he argues that "American imprisonment rates did not rise simply because crime rates rose. They rose because American politicians wanted them to rise." Such sentiments are also true for Florida. After the Civil War, politicians created new sets of criminal codes directed toward African Americans in order to maintain white superiority and ensnare black prison-workers into convict leasing and the road prisons (Miller 2000, 2012; Schoenfeld 2009; Shofner). In the more recent past, Florida's politicians opted to comply with a federal injunction to reduce overcrowding by building more prisons rather than making meaningful reforms to sentencing laws or drastically expanding diversionary programs. In fact, legislators have used the *Costello* injunction to increase capacity, which has enabled them to enact harsher punishments that keep offenders imprisoned for longer periods of time. These crime control measures including 10-20-Life, the Three Strikes laws, and the Anti-murder acts have been introduced and passed under Republican controlled governor's office and legislature, indicating conservative adherence among Republicans to the tough on crime approach. Moreover,

these crime control measures disproportionately imprison African Americans, which reflect the state's legacy of disparate treatment of blacks within the criminal justice system. It is, therefore, unsurprising that two consistent predictors of prison admission in my analysis are Republican strength and African American populations.

Yet, in terms of Florida's punishment future, one trend is promising. The negative relationship between drug courts and imprisonment rates indicates that these courts can be an effective tool to reduce the state's prison population. Further investment in the drug court system may also benefit the state financially. With a smaller prison population and lower recidivism rates, the state may be able to reallocate resources earmarked for corrections and crime control. Prior research supports this assertion. Bhati et al. (2008) find that on average, every dollar invested in a drug court resulted in direct benefits of \$2.21 for the criminal justice system. When examining the effects of drug courts on high-risk offenders, the average investment return climbed to \$3.36. These benefits represent a variety of costs associated with recidivism rates among drug offenders that are offset by drug courts including court fees and bed space in jails and prisons (Marlowe 2010). Other scholars report that tangential effects of lowering the recidivism rate such as use of foster care and health services also net significant savings when drug courts are present (Aos et al., 2006; Finigan et al., 2007; Loman 2004; Marlowe 2010).

When considering the evidence that drug courts are both effective and provide economic benefits, their continued use in Florida should produce positive changes within the criminal justice system. However, recent developments threaten this potential for change. Drug court programs across the state have experienced cuts in state and local funding (Pinkham 2008; Sun Sentinel Staff 2013). Additionally, most of the drug court

programs in Florida tend to target lower-risk offenders who are often brought into the program for a first time drug offense. These offenders would normally receive probation rather than prison time, and there is a low probability that these offenders would be re-arrested. Therefore, the drug court system in Florida currently only produces significant savings for local jails (Office of Program Policy Analysis & Government Accountability Report 2009 [OPPAGA]). To significantly reduce inmate populations and prison costs, the legislature should broaden the eligibility criteria for offenders who could be diverted to drug courts. Expanding these criteria would target more high-risk offenders who would normally be sent to prison and face an increased likelihood of recidivating (OPPAGA 2009).

## CHAPTER 5: CONCLUSION

The problem of mass incarceration has been attributed to crime rates, increasing sentencing severity, economic transitions, demographic shifts, politics and racial threat (Beckett 1997; Beckett and Sasson 2000; Blumstein 1988; Blumstein and Beck 1999; Greenberg and West 2001; Jacobs and Helms 1996; Mauer 2001; Spelman 2009). Although incarceration rates have begun to decline overall, our society continues to deal with the fallout from locking up such large numbers of people. Prior studies have investigated several of these consequences including the effects of mass incarceration on the African American community, prisoner reintegration, political outcomes, and state and national economies (Alexander 2012; Campbell and Schoenfeld 2012; Clear 2009; Hallet 2006; Hooks et al. 2010; Huber and Gordon 2004; Petersilia 2003; Sechrest and Shichor 1996; Travis 2005; Wacquant 2001; Western 2006). The analytical chapters of this dissertation contribute to the discourse of mass imprisonment by examining both the determinants of prison admissions as well as two outcomes, increases in corrections expenditures and expansions in private prison populations.

Although these topics have been examined in the literature, this dissertation utilizes underused data sources, which provide a new approach to studying these issues. For instance, most studies of private prisons measure expansion in terms of the number of facilities that are privatized in a state. To the best of my knowledge, no studies have examined private prison growth based on inmate population size, which I use as my

dependent variable in Chapter 3. Furthermore, in my study of prison admissions in Chapter 4, I use county-level admission rates. The overwhelming majority of studies on imprisonments use data at the state-level. Most county-level studies on prisons focus on recidivism, family disruption, capacity, and the effects of prisons on local economies and crime rates (Johnson 2006; DeFina and Hannon 2010; Hooks et al. 2010; Kovandzic & Vieraitis 2006; Sever 2000; Spohn and Holleran 2002). Previously, it was unknown whether county-level social forces influenced prison admissions rates, a significant gap in the literature. These chapters also cover a time period that is just beginning to be studied. Most research on mass incarcerations and its outcomes have largely used data from the 1980s and 1990s with a few studies extending into the early 2000s (Greenberg and West 2001; Jacobs and Carmichael 2001; Keen and Jacobs 2009; Spelman 2009). Analyses of data that extend into the late 2000s capture the Recession of 2008. This economic downturn resulted in high rates of unemployment and reduced tax revenues and the recovery has been long and uneven among states. Studies of the criminal justice outcomes during this time period are important, because they have the potential to show whether the system responds to fiscal crises. Based on my findings, outcomes such as corrections spending and privatization as well as prison admission rates were largely unaffected by the recession.

### **Summary of Results**

In Chapter 2, I analyze the determinants of corrections expenditures to determine which state-level social forces contribute to higher rates of spending. I focus on the outcome of spending for two reasons. First, surges in the prison population have grossly inflated corrections budgets forcing states to make cuts to other items such as education. These

strains have been further exacerbated by the Great Recession of 2008. Second, most research on the expansion of mass incarceration focuses primarily on inmate population growth. Corrections expenditures are another indicator that reveals increases in mass incarceration, particularly because spending accounts for prisoners under the authority of the criminal justice system who are not incarcerated such as parolees and probationers. Based on the Republican Party's historical support for tough crime control policies and minority threat theories, I predicted that partisanship and increases in black and Hispanic populations would augment corrections costs.

I also proposed the presence of death row would contribute to higher rates of correctional spending. Several states, most notably California, have experienced significant financial problems associated with the housing of death row inmates. Furthermore, the trial and appeals process for capital offenders is most often cited when assessing the high costs of capital punishment. Few studies take into account costs associated with imprisoning these offenders. They are often imprisoned in supermax facilities, where they reside in single-occupancy cells that require more staff. Increased labor costs and the inefficient use of cell space in these prisons make it plausible that death row inmates represent a significant financial burden, especially as many states face problems with inmate overcrowding. My results support most of my predictions. Larger African Americans populations are positively associated with more spending on corrections, even when accounting for Southern states. Additionally, the presence of death row inmates also predicts increases in spending, particularly in the South, West, and Midwest. Partisanship, however, does not appear to affect expenditures.

Chapter 3 presents an analysis of private prison population expansions. Growth in prison populations and the costs associated with housing them have created financial problems for many states. Several states have turned to the private sector to help alleviate corrections costs by contracting private firms to build and manage prisons. I suggest that privatization is more likely to occur in states with greater Republican strength and larger minority populations. Partisanship is important to consider in this study because Republicans embrace neo-liberal economic policies that advocate the privatization of government services and tough on crime policies, which increase incarceration rates. Additionally, the disproportionate rates of African American and Hispanic imprisonments, the legacy of convict leasing, and the increasing use of private companies to run immigration detention centers make it likely that a relationship between minority threat and privatization exists. I find consistent support for partisanship. In all four models the variable measuring Republican strength produced significant and positive effects on increases in private prison populations. I also find support for racial threat when it is interacted with former Confederate states.

Finally, Chapter 4 examines county-level determinants of prison admissions. Using Florida as a case study, I suggest again that minority threat and partisanship account for increases in imprisonments. Florida has a long, politicized history of harsh punishment policies that have disproportionately affected African Americans. Black prisoners were overwhelmingly sent to private firms under convict leasing and selected to work on chain gangs constructing and maintaining roads. In the 1980s and 1990s, crime control policies that enhanced sentencing severity for drug and gun crimes increased the number of blacks incarcerated and the time they were required to serve. Many of these

harsh policies were introduced and enacted by conservative lawmakers. Although the racial aspects of social control became more implicit later in the century, prior research suggests that attempts to reduce potential criminal threats posed by African Americans led to the adoption of harsher criminal control policies among conservatives. I also suggest that minority threat extends to Hispanic populations in Florida. Hispanics represent the largest and fastest growing minority group in the state and studies show that increases in Hispanic populations increase fear of crime among whites ().

Additionally, I predict that the presence of a drug court in a county may account for reductions in imprisonment rates. These courts should decrease prison admissions in two ways. First, they divert offenders convicted of drug crimes from traditional prison sentences and instead send them to a rehabilitation program to break their addiction. Second, ending drug addiction should also decrease recidivism rates for these offenders. They will be less likely to commit another drug offense or a related offense such as theft to financially support their habit. My results support all three hypotheses. Both partisanship and racial threat significantly affect imprisonment rates. The effect of African American populations, however, is nonlinear. When a county's black population is greater than 16.5 percent, the effect on imprisonments is negative. Results also show that drug courts have a negative effect on prison admission rates. Because several studies find that drug control policies have significantly increased prison populations, this study provides evidence that the presence of a drug court could be a significant tool for keeping people out of prison and reducing the prison population overall.

## **Contributions**

### *Racial Threat*



The overarching theoretical perspective for all three analytical chapters is that racial threat has substantial explanatory power for expansions in incarceration as well as consequences related to imprisonments. My findings show that increases in African American populations was a consistent predictor in my analyses even when controlling for crime and other relevant factors. These results help bolster the work of other scholars asserting that social control and punishment policies are motivated by forces beyond shifts in crime (Blumstein 1988; Blumstein and Beck 1999; Greenberg and West 2001; Jacobs and Helms 1996; Mauer 2001; Spelman 2009). Such policies may actually be a reflection of fears over who we consider to be criminal. Although African Americans and other minority groups have made great strides in terms of civil rights during the past century, negative media portrayals, prevalent fears among whites of minority crime, and historic oppression have led to increased targeting of these groups for enhanced social control (Chambliss 1994; Hallet 2006; Wacquant 2001).

In Chapter 2, I find that one consequence of such control, corrections spending, is positively associated with black populations. Few studies have directly analyzed the influence of racial threat on spending. However, it seems to be an important issue to consider, since black populations are the subjects of police crackdowns and are over represented as a criminal threat in the media. These factors contribute to blacks being disproportionately incarcerated, which has affected the increase in the overall prison population. Given that the sample time period captured the most recent recession and part of the recovery, I expected that the effect of black populations on corrections spending might be tempered by decreases in tax revenues. In other words, states might decrease some of their social control efforts as a response to shrinking budgets. Yet, even

in the midst of a major economic downturn, black populations, particularly in the South, consistently predicted increased expenditures. This finding suggests that even when facing a financial crisis, states may be more willing to part with limited resources in order to control the threat of black crime.

Although, researchers have provided compelling arguments supporting the historical effects of racial threat on convict leasing and modern-day prison privatization in the South, until now this relationship had not been systematically verified (Hallet 2006; Jing 2012). Chapter 3 provides evidence of this historical link. Hallet's (2006) work analyzes the similarities between convict leasing and the current private prison system. Jing (2012) studies the cultural, economic, and political development of the South that made the region more amenable to privatizing government services, and several authors have contributed historical accounts of the Southern state's increased willingness to use harsh punishment against minorities (Blackmon 2008; Mancini 1996; Miller 2012; Schoenfeld 2009). This research has, for the most part, relied on primarily on case studies, historical accounts, and descriptive statistics to describe the association between racial threat and privatized prisons in the South. My analyses in Chapter 3 provide the only known statistical evidence for this relationship. Because convict leasing was primarily a practice employed by former Confederate states, I find that interacting a dummy variable of these states with a variable measuring African American population produces a significant and positive effect on the size of privatized prison populations. Even when controlling for crime and economic indicators, large African American populations in the South predicted increases in private prison population size.

Finally, in Chapter 4, I demonstrate the pervasive effects of racial threat on imprisonments in one of these Southern states, Florida. Punishment in Florida has largely been characterized by race. In the late 19th and early 20th century, African American prisoners were subject to convict leasing as well as the chain gangs. Black prisoners were also targeted by white guards for abuse and subjected to grossly unequal conditions when compared to white prisoners. In the last 30 years, African Americans have been disproportionately affected by drug laws and sentencing enhancements. As a result of these policies, blacks comprise nearly half of Florida's prison population despite representing just 16 percent of the state population. My findings show that such imprisonments may be a response to racial threat at the county-level; however, these results are nonlinear. Consistent with racial threat theory, counties with very large African American populations reduced imprisonments. This finding suggests that large black populations may wield greater political and economic influence, and can rally against social control efforts directed toward their communities.

### *Partisanship*

In two analytical chapters, I find that Republican strength has a positive and significant effect on both private prison population size and prison admissions in Florida. Yet, in my chapter on corrections expenditures, I find that that multiple measures of Republican strength have no explanatory power. What may account for these mixed results on partisanship? In their literature review examining the politics of imprisonment, Jacobs and Jackson (2010) argue that there is ample evidence to suggest that partisan politics has a ubiquitous effect on punishment. Since Republicans promote economic policies that favor more prosperous citizens, they face an electoral disadvantage given that most

Americans are middle-class or poor. To attract voters who do not benefit from their economic platform, Republicans have relied on “law and order” appeals that link crimes with urban populations, the poor, and minorities (Edsall and Edsall 1991; Mendelberg 2001). Such appeals particularly resonate with citizens who are less educated and have little tolerance for non-whites, which have contributed to Republican electoral victories (Edsall and Edsall 1991; Jacobs and Jackson 2010). Republicans are also more likely to see crime as a problem of individuals freely choosing to commit crimes rather than a consequence of social inequality. They are therefore more willing to devote resources and pass legislation that punishes these individuals instead of addressing social problems that lead to crime such as racism and poverty (Jacobs and Jackson 2010; Lacey 1988). Several studies have found support for a relationship between Republican strength and punishment outcomes including imprisonment rates (Jacobs and Carmichael 2001; Jacobs and Helms 2006; Keen and Jacobs 2009; Smith 2004; Spelman 2009; Stuckey et al. 2005; Western 2006).

Yet, some scholars have indicated that the importance of partisanship in predicting criminal justice outcomes may be waning (Beckett and Sasson 2001; Campbell and Schoenfeld 2013; Greenberg and West 2001). Greenberg and West (2001) suggest that both Republicans and Democrats have become more conservative since the 1980s, while Beckett and Sasson (2001) argue that Democrats have become tougher on crime to attract socially conservative voters. Such changes among Democrats have been particularly notable in Sun Belt states (Campbell and Schoenfeld 2013). Bill Clinton’s campaign and presidency certainly provides support to these arguments. Clinton, the Democratic governor of Arkansas, was conservative on crime control He promoted 3

Strikes Laws and increasing police forces nationwide. Clinton also famously oversaw the execution of a mentally disabled prisoner while campaigning for the presidency (Decker 1992).

Jacobs and Jackson (2010) argue that the idea of Democrats embracing tough on crime policies to compete with the Republicans is similar to the median voter hypothesis. The median voter hypothesis states that voters in the middle of the ideological spectrum tend to decide elections, so political candidates will do their best to appeal to these voters (Raphael 2009). If this theory is correct, after Republicans starting winning elections based on their “law and order” platform, Democrats should have adopted the same stances resulting in the parties having no meaningful differences on crime control (Jacobs and Jackson 2010). Yet, if this were the case, Democrats would then alienate a key portion of their base. Since the party is supported by minority groups who are disproportionately affected by crime control policies and a liberals who are interested in social justice, the Democrats would lose vital support by adopting Republican crime policies (Jacobs and Jackson 2010). Even with his more conservative approach to crime control, Bill Clinton and congressional Democrats still acknowledged their party’s commitment social justice and preventative strategies. In the Violent Crime Control and Law Enforcement Act of 1994, they allocated \$8.8 billion for community policing and \$6 billion for crime prevention programs. The following year congressional Republicans gutted the most of the money for these prevention programs (US Department of Congress 1994; US Department of Justice 1994). The Republican budget cuts to prevention programs demonstrate that even with a conservative Democratic president and

agreements among Republicans and Democrats on many crime control issues the two parties are not completely aligned on how to handle crime.

When accounting for the nonsignificant findings of partisanship on corrections expenditures, I believe that there is a complex intertwining of state and national-level politics that make it difficult to change policies that lead to increased spending. Punishment policies at the state-level are greatly affected by how state lawmakers handle changes in demographics, the economy, and political ideology. The manner in which lawmakers respond to these shifts can determine a state's long-term penal trajectory (Barker 2009; Campbell and Schoenfeld 2012). For instance, in smaller states a growth in racial minority populations may produce political opportunities for racially-based crime politics (Elazar, Spano, and Gray 1999). State responses to change may also be affected by national discourse. Presidential highlighting of crime issues from the "bully pulpit," federal court decisions about sentencing and prison conditions, and federal grant money for states to use in crime control and punishment efforts also have an effect on how states handle crime and punishment (Campbell and Schoenfeld 2013; Jacobs and Jackson 2010). For instance, a state could be forced to address a federal injunction to reduce prison overcrowding. Although the injunction itself may not reflect partisan intent, the response might. Depending on demographics as well as economic and political climates some states might adopt sentencing reforms and expand parole to reduce the prison population while others might spend additional funds to increase prison capacity. Thus, the intersections of state and federal political processes can create different punishment trajectories.

Moreover, political highlighting of crime as a pertinent issue at the state and national level has made it a sacred cow of American governance (Campbell and Schoenfeld 2013). One Democratic state legislator from Florida stated that changing the policies that had led to mass incarceration in his state was difficult for Republican and Democratic legislators alike. Sentencing enhancement policies such as mandatory minimums look good to citizens, because they demonstrate that legislators are willing to take a tough stance against crime. Yet, such policies have swelled prison populations beyond capacity and created considerable costs. Even knowing the consequences, legislators can put themselves at a severe political disadvantage for not supporting such measures or making attempts to reform them. As the legislator put it, “Are you against a strong criminal justice system? You can’t [be]. That’s like being against American apple pie” (quoted in Campbell and Schoenfeld 2013 p. 1408). Despite partisan ideological differences in approaches to crime control and punishment, many legislators’ hands are tied when it comes to making drastic changes in these systems lest they destroy their political career. Therefore, aspects related to mass incarceration such as spending may be insulated from partisan effects, which may explain the nonsignificant partisanship findings in Chapter 2.

As I discuss in Chapter 3, partisan effects matter greatly for some outcomes related to mass incarceration including the for-profit prison industry. Prison privatization is one of the many solutions offered to handle the consequences of mass incarceration, and arguably, one of the most controversial. Lawmakers, who advocate privatization, frame the issue largely as a cost-saving measure for states. Yet, these claims are not supported by prior studies (Irwin and Austin 2001; Montague 2001; Perrone and Pratt

2003; Sechrest and Shichor 1996). In this chapter, I find that economic indicators had no significant effect in determining a state's private prison population size. These mixed results bring up questions as to whether the politicians who promote privatization truly believe that the practice saves money or if it is a convenient framing tactic that can be used to support privatization efforts.

Privatizing correctional facilities has created a series of legal and ethical dilemmas related to the treatment of prisoners and financial arrangements with state and Federal governments (Breux et al. 2002; Gran and Henry 2007; Jing 2012; Kim 2012; Logan 1990). Most troubling is the fact that the private prison industry depends on the social and political forces that keep incarceration rates high. Although factors such as fluctuations in crime rates are beyond the control of the private prison industry, they have the capacity to influence lawmakers who control crime policies (Parenti 2001). Year-end financial reports from The Corrections Corporation of America state that profits could be "adversely affected...by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws" (Corrections Corporation of America 2009 [CCA]).

Although my results indicate that states with greater Republican strength will have larger private prison populations, conservative lawmakers are currently exploring crime control reforms that CCA considers detrimental to their financial future including, softening penalties and mandatory minimums for drug crimes and reviving parole systems in order to alleviate overcrowding. California, which has one of most overcrowded and expensive prison systems, has impaneled a commission to propose



sentencing reforms. Governor Jerry Brown has also recommended paroling elderly prisoners and repeat non-violent offenders (Wilson 2014). Even Texas, a Republican stronghold, created drug courts and expanded access to rehabilitation facilities to divert drug addicts and mentally ill offenders from the prison system. Since 2007, its incarceration rate has fallen by 20 percent (Bauer 2014). Because adopting crime policies that provide alternatives to incarceration or lessen the severity of sentences directly threaten the private prison industry's bottom line, these companies spend millions of dollars on political donations and lobbying. The GEO Group Inc. reported that changes in the dominant political party control could threaten "previously established views of privatization" (Wackenhut 1994).

Although my dissertation, for the most part, supports theories about partisanship effects on punishment, we may be at a turning point in conservative tough on crime policies. There is evidence that conservatives who have historically been tough on crime are beginning to consider policy changes that could reduce inmate populations. This trend could have major effects on corrections expenditures, the long-term viability of private prison enterprises, and prison admissions rates among other criminal justice issues. Well-known Republican Party figures including Newt Gingrich, Grover Norquist, and Jeb Bush have become affiliated with a conservative criminal justice reform organization called Right on Crime (Rhodan 2014; Viguerie 2013). The organization promotes criminal justice reform by framing it with traditional conservative values including reduced crime rates, limited government, decreases in government spending, free-market principles, Christian principles, family values, individual liberty, and personal responsibility (Right on Crime 2010; Viguerie 2013). Republican dominated states have

also taken steps toward crime reform. Georgia passed a law in 2012 aimed at reducing recidivism rates, which resulted in lower proportions of non-violent criminals in their prisons. Most recently, Mississippi also enacted reforms that are projected to save the state over \$260 million dollars and reduce the inmate population over the next 10 years (Rhodan 2014). Given the right political climate, we may see Republicans move away from their “law and order” approach in the future, which could reduce the effects of partisanship on punishment.

### **Limitations and Future Directions**

This dissertation contains some limitations that I hope to address in future research. First, data regarding labor relations and union membership are not the best proxies for measuring corrections’ union strength. When examining problems associated mass imprisonment, several scholars have noted that the role of corrections unions should be considered as they often lobby against policies that are perceived to affect their livelihood such as efforts to relax sentencing policies, privatizing the prison system, and cutting corrections budgets (Campbell and Schoenfeld 2013). Unfortunately, consistent data on corrections’ union membership do not exist over time nor for all states, so researchers must substitute other measures to try to capture this effect. One method is to simply employ a variable that measures the percentage of the population who are union members, which I use in Chapter 2. This indicator, however, can only capture union strength generally. A second method, which attempts to get around this issue, is to employ a measure of labor relations laws, which I use in Chapter 3 (Price and Riccucci 2005).

Another data limitation is that I do not include measures related to imprisonments for drug crimes. Studies have found that the War on Drugs has augmented the overall prison population, which has led to overcrowding, increased use of private prisons, and rising corrections costs (Blumstein and Beck 1999; Selman and Leighton 2010; Tonry 1995, 1999). Data on drug-related prison admissions is difficult to get. Several states do not report prison admissions by crime category and those that do report such data, do so inconsistently. For instance, Alabama's annual reports on their prisons included data for inmates admitted to prison for drug crimes as well as percentage of the prison population incarcerated for drugs until 2007. From 2008 on they stopped generating these data (Hurst 2013). Data for drug arrests are also inconsistent. Several states, including Wisconsin and Ohio, had multiple consecutive years of missing data. Future studies that account for the effect of drugs on imprisonment-related outcomes may need to employ case studies such as my analysis of Florida in Chapter 4, or limit the sample to states that provide consistent data for drug-related prison admissions or arrests. Another option may be to employ variables measuring changes in the drug laws and/or these laws' severity.

Despite these limitations, this dissertation provides a foundation for future research that empirically investigates determinants and consequences of mass imprisonment. The effect of rising corrections expenditures has eroded state spending on education and social welfare programs, which have had negative effects on families, the poor, and minorities who are the primary beneficiaries of these programs. Additionally, increased costs have encouraged states to turn to the private sector for prison construction and management. These companies tend to provide much lower wages and few benefits,

so they are regarded as threat to unionized public workers and communities whose economies are tied to prisons. Such issues will be important in gauging the many ways in which mass incarceration influences American society. Although the nation may be coming to a crossroads regarding the use of imprisonments as our society's primary punishment, we can expect the effects of mass imprisonment to extend well into the future.

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