

# Criminal courts and prisons criminology essay



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Prisons institutions are essential in society due to the fundamental use of detaining and punishing criminals as well as to rehabilitate them in order to avoid re-offending. Prisons are guided by government officials. During the 1990's, private prisons were introduced in the UK. The main reason for the introduction of private prisons was to reduce overcrowding as well as costs, and to a certain extent improve prison standards. (Harding, 2001). The idea of involving private agencies in prison facilities has been expanded and recognised by the new labour, conservative and the new coalition government. In the 1990's, regardless of the labour government being strongly against the idea of prison privatisation, they were challenged by an increased prison population which led them to allow private sectors to bid for running new prisons; and also present prisons were not to be occupied by public sectors. As a result, major parties reached an agreement in support of private prisons. However, there have been constant critiques from academics and the several sections of the media (Teague, 2010).

Prison privatisation is interestingly an old concept. This can be seen as during the 1800's; several prison institutions in the US were contracted to private companies who contracted inmates to business as labourers. This idea was shortened due to corruption and the violent opposition by several businesses who claim that there was an unfair competition due to unpaid workers. Nonetheless, modern prisons now work on a totally different framework to earlier prisons; with even promising features. The introduction of private prisons in modern society has perceived new changes in prisons structure. Prisons are now not only driven by the goal of serving punishment and rehabilitate offenders, but also to gain financial wealth from detaining

criminals. The intentions of private prisons were merely to correct present faults from private sector prisons, such as overcrowding; in the process of this, private prisons have suffered heavy criticism.

The cost of crime is on the increase due to increased crime rates. In early nineties, it was estimated to cost almost seven billion dollars each year in construction cost as well as the upkeep of inmate population. The price of employing prison guards, administrators, teachers and every prison services within its facility is not included in this cost. Allowing private companies to take over the running of these institutions mean that the associated costs may not be generated from tax payer's money, which would mean that governments can make better use of the money to address other public areas needing attention.

Private prisons come with several benefits that aim to reduce cost as well as other beneficial factors. Cost saving is one of the main benefits associated with prison privatisation. The increased rate of crime accounts for the cost which is used towards prisons. Crime is widely seen a social problem and due to this, investments of up to nine figure sums each year is spent on the development of prisons; in order to manage the increasing rate of prisoners. Furthermore, prisons also incur more cost for aspects like the recruitment of guards and administrators, as well as other necessary expenses such as healthcare, food, clothes and education. The majority of private prison supporters argue that the government spends far more money on public prisons than private prisons, and both sectors equally provide and maintain the essential quality service needed. The main reasons that these supporters gave in regards to the increased cost of public prisons are due to factors

such as red tape and the several laws which increases the cost of public prison management. These factors have been eliminated in private sector prisons which has significantly reduced costs.

Furthermore, with private sectors managing prisons, some of the costs that are associated with running prisons may be used for other government projects. This will enable better use of government fund to other possible serious areas that may need addressing in terms of development. The issue of competition privatization will ensure an increase of productivity and also reduced waste of resources. Research show that the boarding cost in private sector prisons is half the cost of public prisons (Young, 2003). Several other studies show that private sector prisons save over 20% in construction cost as well as up to 15% in management costs (Sloane, 1996). Although critics strongly argue that cost reductions in private agencies, may however worsen prison conditions (Smith, 2003).

Private companies are also perceived to be more flexible and innovative than public sector prisons. In the early 1990's, ministers argue that private sector prisons had proposed new ideas in the running of prisons. It was proposed that private sectors have the imagination to run prisons and look at things from a different point of view as well as to consider new management techniques and create new measures. This view was recognised in the 1998 inspection of Buckley hall with the chief inspector crediting the prisons improvement to the flexibility in which contractors could present innovative ideas that are free from bureaucratic restrictions, and if possible could be removed in other institutions. Supporters argue that contracting could be a

reason for staff innovation and transformation in the longstanding obstruction.

The economic theory states that there will be a reduction in the running of prisons if there is more availability in renting and selling of prison cells, the challenges in terms of the funding and efficient allocation of prison spaces. This plan aims to give back to society as it serves to preserve justice. The economic theory states that the difficulty of financial assistance towards the control of prison services will reduce if there is more availability in selling and renting prison cells, the challenges in terms of the funding and efficient allocation of prison space. Private prisons adapted this concept by trying to exploit opportunities through the use of prison run factories. The idea of this is to allow prisoner's to earn whilst giving back to society via labour. More than half of the money generated through this method is used to cater for prison cells and support victims. This process not only generates money but enabled prisoners to acquire skills which they can use in the integration process back in society. They can use these skills to acquire them a living rather than to follow the path of crime and be recognised by society as ex-offenders, which could narrowly lead them back into this system (Young, 2003). Although the public prison tries to carry out this task, it is not as effective as private prisons.

It is essential to note that the privatization process may lead to new approaches to criminal control and punishment other than using prisons to deny criminals of their freedom. For instance, new approaches can involve the detaining of criminals through the use of modern technology on the individual's body such as electronic monitor. However, this approach may

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cause concern due to the safety of individual's in society. This would raise questions on whether the given technique is effective enough in ensuring crime reduction as well as the punishment of offenders (Smith, 2003). In sum, prison privatisation has a lot of benefits due to internal factors such as cost effectiveness. The proposer of this system may use the benefits of private prisons to ensure that most prisons are privatised in order to improve prisons and ensure that justice is served in any given country.

The idea of private prisons is certainly a plausible one, as it carries several advantages that benefit both the country as a whole as well as these institutions; although, in order to fully understand all its positive benefits, more studies need to be conducted in this area. This idea has the possibility of being successful if given attention. This is to ensure that social interests come before the need to maximize profits by the companies that have been given the contract to set up private prisons. It is important to realise that each benefits of private prisons has an equal amount of disapproval and this is the same case as public institutions. This is due to the debates surrounding any issue concerning the welfare of individuals in society. A sensitive issue like this one, will attract some challengers (Young, 2003)

On the other hand, there have been several disadvantages and criticisms of privately run prisons. There have been a number of factors and researches to back these claims. This section of this essay will point out and address these issues, using a range of studies as well as discussions that have been conducted in order to allow the reader to understand this area well. Critics claim that profit is one of the main motives behind private sector prisons; therefore this factor contributes to conflict of interest. The idea of prisons is

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not only to punish and isolate offenders from society, but also to rehabilitate them in order to highly reduce the chances of re-offending. Though it is a good factor that private prisons are cost saving, this would consequently mean that private prisons are not as efficient as public prisons. This is due to gaining profits through prison management, which would mean that essential factors such as prison rehabilitation programmes and medical care are reduced at the cost of prisoner's welfare. As a result of this, it is a possibility that prisoners may experience poor living conditions, as well as the lack of effective rehabilitation programs.

Furthermore, a report carried out the National Audit Office (2003) voiced concerns on several areas on services provided by private prisons. Factors such as inexperienced staffs and high staff turnovers were pointed on. Poor payment and poor working conditions are some reasons of high turnovers (Sloane, 1996). Also arguments on this topic pointed out that public prison were far safer than private prisons due to environment. This is based on the fact that prison workers in the private sectors had less experience than those in the public sector. This report further goes on to argue that the terms and conditions of the contract which private prisons were run had not been appropriately developed, which raised concerns about the commercial confidentiality that surround the terms which private prisons were under.

Another aspect that is of interest to critics is the issue of bad scoring. Reports have revealed private prisons received bad scores in regards to management and security. This is due to failures in the numbers of deliberate criminal activities in this institution, assault and drug containment. Austin (2010) conducted a survey to investigate the welfare of

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prisoners in several private sector prisons. His findings revealed the intensity in which prisoners and staffs within this system had to cope with. A major discovery that was made within this process showed that there was an increase in the amount of assault cases within these facilities, than in public prisons. Findings show that the number of cases of assault on prisoners by staff had increased to 49%; whilst assaults by prisoners had increased to over 60%. This is almost doubled the figures in public sector prisons. This factor provides evidence to suggest that privately run prisons are less efficient in regards to performance (Smith, 2003).

The issue of low-balling is an aspect that has received some criticism. This is a tactic that is used on the government by contractors. The idea of this method is by under bidding fellow participants with the goal of winning and once they are announced winners, they then increase the figure. Worst of all, the competitors stands a chance of bankruptcy which leaves the government in a non-correctional position. If this method is introduced in this essential system that ensures that justice is served, then the country will see the provision of poor resources and facilities as well as technical hitches; therefore, this will make the whole purpose of this system loose its motives (Logan, 1990)

The system has several benefits as well as disadvantages that may obstruct the process of privatizing prisons in any country. Some of the arguments by researchers may not be strong enough due to lack of evidence. On the other hands, some arguments against the idea of private prisons need to be taken into account due to sake of the welfare of individuals, which should be a major factor of any government (Sloane, 1996). Ethics and principles is a key

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aspect of societal needs in any given institution and it has been proven that there are certain aspects of private prisons that weaken this value. This is an issue that thoroughly needs to be reflected on. It is also important to question whether the issue of morality should be left in the hands of individuals whose ultimate goals are to search for financial gains and to make maximum profits. To a certain extent, this gives the idea that our society is no longer driven by morals, but greedy individuals who use any given opportunity to make money (Alter, 2010).

While taking into consideration all the factors mentioned in this essay, the best technique of any given prison organisation appears to be private institutions. The reason for this is due to the number of benefits such as financial benefits, security aspects, prisoner well-being, and accountabilities which makes it a preferred choice. However, the issue of morality seemed to be totally ignored in this case. Should we, the peers of society shift the responsibility for the ultimate sanction by which we measure normative behaviour, to those whose soul motive is profit? Michael Foucault argued that prison institutions are a model, the point of origin, for the entire model of social control that characterised society through its "improvement in morals". Has our society become one of opportunist motivated by greed? Foucault then went on to further state that punishment was paid out in "days, months and years and draws up a quantitative equivalence between offence and duration. By pressuring inmates to work, is the system not making the offender pay back more than what is original crime entailed. Would it be right to presume that private prison approach is a symptom or "a reaction by private capitalism to the prospects created by society's temper

tantrum approach to the problem of criminality in the context of free market supremacy"? In the calculation of what is or should be the best system to guard and control social corruption, not only should we calculate the cost, but also the effect it will take on our morals.

Prison privatisation is a concept that sparks a lot of interest; prison privatisation holds many positive features that deserve further research. The concept of prison privatisation will certainly flourish- however, much care is required in regulation to assure that society interest is at the fore front and not the cooperation interest, and not developed by hucksters with the soul intention of turning a quick buck causing the sacrifice of quality. It is important to remember that for each positive point, there will be an equal rebuttal to counter its benefits, similar to public prison. There is no thinkable problem with private prisons that is not matched by an identical or closely related problem within government based institutions. " It is primarily because they are prisons, not because they are contractual, that private operations face challenges of authority, legitimacy, procedural justice, accountability, liability" and so on. A possible thought would be the combination of both systems, creating a union with safe-guards, quick response times, and technological changes, safety catering, educating and training inmates, while addressing the issue of morality within the criminal justice system. As to their advantages and disadvantages as standalone units both organisations have good and bad points; both suffer equal criticism and similar failings.