

Planning for Alaska's Prisons

David G. Lovell, PhD, MSW

Research Associate Professor Emeritus

Child, Family and Population Health
Nursing

University of Washington

Introduction

- What I'm Not Doing
 - Telling Alaska how to solve its problems
 - Adding more information to the record of fraud, abuse, concealment, violence, and litigation in private prisons
- For Alaska to develop its own capacities
IS THE RIGHT THING TO DO

Outline

1. Private prisons are not legitimate
2. Sending people out of State is a sign of policy failure
 - ∴ Keeping state prisoners in state public institutions is doing the right thing.
3. Alaskans can solve problems themselves by working together to do the right thing.

Private agencies *may* provide legitimate and useful services

- Even in a clear case of nepotism, like mine
- Community members and professionals building programs together
- Even *for-profits* (Pioneer, Napa BI), if:

MOTIVATION & MANAGEMENT FOCUS LOCALLY

“We sic dawgs on consultants”

--Kurt Peterson, Superintendent, Shelton Correctional Facility

Not Private Prisons

- Ample evidence shows fraud, abuse, violence, and litigation; but why?
 - Profit the motivation, not performance
 - Litigation a cost of doing business
 - Protected from public disclosure requirements
- *Accountability* is the issue
- National scope of major firms blocks oversight and reform, but issues are:
FUNDAMENTAL, NOT PROCEDURAL

Private vs. Public

The *risk* of violence and abuse of power is inherent to prisons

--Hence, no shortage of horror stories . . .

- Whose duty is it to meet legal and constitutional obligations?

--*DeShaney* principle

ON WHOSE BEHALF?

We, the People

- Adopt a democratic form of government to protect our rights and freedoms
- We trust the government rather than private vengeance to deter and punish
- Criminal punishment is the most severe power the government exercises
(cf. Amendments 4-8 of Bill of Rights)
- Public servants are bound by oath to respect our rights

Rule of Law and Just Punishment

- Our constitution places the exercise of state power under the rule of law
 1. People are imperfect and may abuse power unless private motives are curbed
 2. Profit is no legitimate motive for exercising the power to punish
- ∴ Private prisons undermine the rule of law and the legitimacy of criminal justice

Developing capacity in Alaska is the Right Thing to Do

- Who cares what happens to our people when they're a continent away?
- There is always an official reason for a failing policy, and usually an alternative
- Alaskans can solve their own problems if they work together to do the right thing.