

What if They Built a Prison and No One Came?

The Life and Death of a Youth Prison

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Introduction

As I have noted in a previous publication, the “Field of Dreams” syndrome is a good way of describing the building of prisons and other institutions or “edifices” (part of the “edifice complex) in American society.¹ The “Field of Dreams” is, of course, the title of a movie starring Kevin Costner, an Iowa farmer who hears a voice telling him to build a baseball field, saying “If you build it, he will come.” Similarly, it seems that throughout our history every time a new prison, jail or other edifice is constructed, bodies will be found to fill the beds. Build them and they will be filled. But there may be some exceptions, as when a new prison or jail is built and there do not seem to be enough offenders to fill the beds. This paper reports on one such occurrence in Las Vegas, Nevada, with the opening of the Summit View Correctional Center in 2000.

Background

This was yet another “edifice” constructed to house a portion of the “dangerous classes.” It is the latest in a long line of institutionalization in America, dating back to “houses of refuge” in the early 19th century. Amid much fanfare, with color photos of a spotless, shiny new prison cell in the *Las Vegas Review-Journal*, this prison - in newspeak language, called a “correctional center” - was opened on June 1, 2000. They named it Summit View Youth Correctional Center (located near Nellis Air Force Base) and it was to be operated by Youth Services International, a subsidiary of Correctional Services Corporation, one of dozens of private corporations “cashing in on crime,” part of the much larger “crime control industry.”²

Just after it was opened, I was given a tour of this institution. Approaching this institution you could tell what it was long before arriving. There is barbed-wire fencing all

around, including additional rows surrounding certain areas within the grounds. It is a maximum-security institution and looks like it. I had to ring a bell in order to get through the gate, and then after getting inside I had to pass through a security scanner. Throughout my tour the emphasis on security was paramount, almost an obsession. *Literally every door we entered required the use of a key*, typical of such institutions! And everywhere I went there were reminders that this was a *prison* in every sense of the word - the steel doors that made a sound like no other (it reminded me of the sound I heard when I once toured Marion Federal Penitentiary in Southern Illinois - the ultimate in maximum security prisons); the cells with metal furnishings, with a bed made out of cement which had a single mattress on it; the “segregation unit” (newspeak for “the hole” or solitary confinement); the seats in the dining area (metal, with no backs), etc.

The cost to build this came to just over \$14.7 million, a surprise since the original price tag was to be \$20 million. On top of this money, the annual operating expenses will be about \$120 per day per youth (\$43,000 annually). On the day I took the tour, there were 30 youths - notably there was not hardly a single white youth there, as virtually all were either Hispanic or African-American. While the capacity was for 96 offenders, the original plans called for providing some extra space within the grounds for two more buildings that would house 96 more. At the time I thought about the *Field of Dreams Syndrome* and wondered if once again history would repeat itself. Let’s briefly explore a little of this history with the reader, in order to get a broader perspective on this institution.³

The Edifice Complex

We have had a history of what I have termed the *edifice complex* - the tendency to think that we can solve complex human problems by building “edifices” - large buildings like courthouses, police stations, prisons, jails, mental institutions, "assisted living" for those elderly one step away from the grave, etc. We love these edifices. Well, at least politicians do. After all, when they come up for re-election or long after they retire, they can always point to some edifice to indicate their accomplishments while in office. It doesn't matter that the problems these edifices were suppose to solve never went away (they usually get no better, and often get worse). Also, as I have repeatedly said, "nothing succeeds like failure." After all, these edifices benefit mostly those who build them, finance them and operate them, more than those who find themselves processed within them.

Edifices for the young began in the early part of the 19th century, when the New York House of Refuge was opened in 1824. Supporters called this institution a “school.” In the words of the original founders, this “school” would be a place where the boys (girls were added later) would be “put to work at such employments as will tend to encourage industry and ingenuity, taught reading, writing, and arithmetic, and most carefully instructed in the nature of their moral and religious obligations, while at the same time, they are subjected to a course of treatment, that will afford a prompt and energetic corrective of their vicious propensities, and hold out every possible inducement to reformation and good conduct." The kids who were sent to this institution usually committed no crime, but were sent there to prevent them from “growing up in idleness and vice” (to use a common phrase of the time). It was a concerted effort to control the “dangerous classes” - at this time the Irish. In later years, as the Irish become more assimilated,

other European immigrant children earned the label of “dangerous” and were sent there. In the modern era, those who are sent to these places are disproportionately racial minorities - in most cases they are the numerical majority, as in Summit.

The history of juvenile institutions subsequent to the houses of refuge is a tale of often unbelievable cruelty and corruption. Eventually houses of refuge succumbed to the usual problems of overcrowding, poor management, cruel treatment and numerous scandals. They were eventually replaced by “reform schools,” which in turn gave way to “industrial and training schools” (later just plain “training schools”) and finally in the present era, “youth correctional centers.” Have these institutions had much of a positive effect on crime? Hardly. It should be stressed that throughout this history the “edifice complex” has been accompanied by the afore-mentioned “field of dreams syndrome” - if you build them, they will come. Specifically, the main solution to overcrowding within existing institutions is to merely build more institutions, which in turn become overcrowded, with calls for more institutions. With the recent opening of the Summit Youth Correctional Center, will the same results occur? Based on history, absolutely! After all, one of the main reasons for the building of this institution is to relieve overcrowding in other Nevada institutions (Spring Mountain Youth Camp is suppose to hold 112 youths and presently holds around 200). The first 30 youths sent to Summit came mostly from other institutions in the state.

There are numerous questions that need to be raised at this time about the opening of the Summit View Youth Correctional Center. What kinds of youth will be confined here? By what criteria are they selected? Was this really needed? Are there alternatives? Space does not

permit an attempt to answer all of these questions, but I would like to briefly call into question some of the criteria used to determine what sorts of kids will end up here.

Dubious Criteria

Last year I reviewed a document prepared for the Nevada State Legislature, showing the criteria that would be used to determine what kinds of offenders would qualify for what was called a "Level IV" institution, theoretically reserved for the most serious and chronic offenders (at that time Nevada did not have such a high-security institution - which is what Summit View is). I discovered that each juvenile offender is classified into one of four levels based upon a "juvenile offense history worksheet" with a composite "offense history score" (a total number of points assigned to each offense). I have many objections to "classification schemes" no matter what they look like. In my view they too often tell us more about those who designed the scheme than those who are so classified! To put this problem in a current perspective, where would the youths who were responsible for the school shootings in recent years be placed? Since these perpetrators had little or no history of offenses, they certainly would not have been placed into any of these four levels, much less level four.

To begin with, to assign any numerical value to a specific offense is by definition arbitrary. What was used was called the "1999 Offense History Rating Sheet," which is a compilation of a particular youth's charges each time a referral was made to the juvenile court. This system placed offenses into four categories: (1) minor, (2) serious, (3) severe, (4) violent. I searched in vain for some scientific basis, some rationale for these categories. Examples of the problems I found in this rating sheet was the that "grand larceny auto" was rated as "severe"

while "grand larceny" was "serious" (no rationale was given). I also discovered that a "bomb threat" was classified as "serious," but not "severe" or even "violent."

But these criticisms are only the beginning. As suggested above, there are points assigned to various offenses. For instance, 60 points is assigned for a violent offense, but only 12 are assigned for a "severe" offense. Within the "violent" category we find armed robbery, yet within the "serious" category we find stalking. Is robbery five times more severe than stalking? (I'm sure a lot of women would question this!) Also, it appears that the possession of marijuana is equally as serious as wife abuse (obviously some of these apply more to adults than juveniles, but the point is still relevant here). What is the rationale for this? And why would grand theft auto be twice as serious as domestic violence (12 vs. 6 points)? Is an automobile worth twice as much as a woman who is abused or being stalked?

Punishment vs. Treatment

These guidelines are part of the classic "deterrence" argument, that you can prevent people from committing crimes by instilling the fear of punishment. The problems with deterrence are numerous and I will not go into detail here. Suffice it to say that as far as juveniles are concerned, the deterrence argument is weakest (most juveniles by their nature rarely plan their offenses and few think about consequences).

This is especially clear when we consider that the main purpose of the juvenile justice system is rehabilitation of young offenders. As criminologists have so often pointed out, within

the juvenile justice system, there is a constant conflict between punishment and treatment, especially within secure institutions like Summit View. Within such institutions, the conflict between "custody and treatment" is on-going, with custody usually winning the battle. This was clearly demonstrated at a "model" youth prison program in Arizona, created in the late 1980s, which ended in failure, despite lofty goals.

The really key question that I want to raise is a rather simple one. If we assume that the offenders sent to Summit View need to be segregated from society where escape is minimized, do they have to be placed in such an expensive edifice? I don't think it can be argued that these kids, regardless of what they have done, are nearly as dangerous as those locked up in such supermax prisons as those housing the Charles Manson types. In short, is it absolutely necessary to spend \$14.7 million to build and \$120 per day to house such youths?

Where are the "dangerous" youths?

During the first year of operation Summit View had a hard time filling the beds (96 were originally provided). In fact, I learned through various sources (people both in and out of the system) that Correctional Services Corporation needed 60 beds filled in order to just to break even. (The highest number of kids ever housed there was 81.) In time they became so desperate to fill beds that they "borrowed" some juvenile offenders from the overcrowded detention center at the Juvenile and Family Court Services (while they awaited completion of an extension of their own detention center). Keep in mind that these kids were already committed to regular institutions in Nevada, yet Summit View was created for kids ostensibly too "dangerous" for regular training schools. One searches in vain to find truly "dangerous" offenders and they are

rarely found. And, curiously, most of those so classified come from the ranks of the poor and racial minorities. Yet there is what I have called the “Field of Dreams Syndrome” at work here - build them and they will come. If you have empty beds, some way will be found to fill them, even if you have to do some “creative classification” (a very common procedure - probably done at Summit View, although I have no data to support this).

So what has happened since the opening of Summit View? Not much, just the firing of three or four administrators, procedures not being followed, a sex scandal involving two women “correctional workers” (aged 22 and 24) who are charged with engaging in oral sex with certain youths, a protest by 19 boys who complained that when the most recent administration took over, all the progress they had made was negated and they had to start anew. They are charged with trying to escape. Their cases were plea bargained to misdemeanors and were placed on probation with a fine. Also, Summit View hired someone who had been arrested for having sex with a juvenile and a background check did not reveal this.

As reported in the *Las Vegas Sun* the company that has run the prison, Youth Services International, announced that it wanted out of its \$4.3 million annual contract, effective in the spring of 2002.⁴ The state of Nevada then proposed to take over the facility when the company departed. However, on November 26, 2001, the state legislature rejected a plan by the governor to take over the prison. Those who voted against the state taking over argued that it would be less costly than using other alternatives. What alternatives? Sending “violent youths” out of state. Ironically, this was one of the reasons for wanting to build this prison in the first place, to save money by keeping Nevada youths within the state! Another alternative being considered is to let the facility continue to be operated on a private basis. This plan would entail a Nevada-

based company called Vitality Center working in a partnership with Dismas Charities, Inc., from Kentucky.⁵

The Bigger Picture: The Failure of Privatization

But there is a bigger problem here. This is another example of the consistent failure of the privatization of prisons. Among the promises that were made when this new facility was opened was that it would save the state money and provide troubled kids some good programming. This is the typical promise made by companies seeking to profit from crime. They rarely succeed in saving the state money and they rarely succeed in reducing crime. (They can't really afford to have crime reduced, as it would reduce their profits.) And since profit is the driving force, personnel are counted as "costs" and so cutting these "costs" means cutting corners on whom they hired, how much they are paid, and even the costs of the programs which are suppose to help these kids. Well, during the past year it looks as if neither of these goals has been reached at Summit View.

Privatization has become one of the most popular and controversial developments in the area of crime control. This is where a private corporation either takes over the operation of a jail or prison or builds one itself and operates it (usually contracting directly with the state). Several years ago researchers warned about the tremendous growth in privatization in general, especially within the private police industry. They quoted one source that called this phenomenon "creeping capitalism" or the transfer of "services and responsibilities that were once monopolized by the state" to "profit-making agencies and organizations."⁶ It should be noted that "privatization" is a trend that includes more than the criminal justice system. This "contracting out," as it is often termed, involves a number of services formerly provided by state and local

governments, such as public education, health care, waste collection and many more. There are "at least 18 categories of government services" that saw an increase in private-sector involvement between 1987 and 1995.⁷

Privatization has become, in the words of Edward Herman, "one of the mantras of the New World Order. Economic, political and media elites assume that privatization provides undeniable benefits and moves us toward a good society." The movement toward privatization stems from the recent trends toward greater and greater corporate power. This increased power has contributed to the emergence of neoliberal ideology. The core beliefs of this ideology includes "the efficiency of the private market, the inefficiency of government, and the dual menaces of inflation and budget deficits." Herman also notes that: "Part of the design of neoliberal politicians and intellectuals has been to weaken the state as a power center that might serve ordinary citizens and challenge the rule of the market." Contributing to this trend is the increase in capital flow away from urban centers, leaving them in dire financial straits, as governments "have had to limit business taxes and spending on social benefits in order to provide a 'favorable investment climate,' leaving them under financial stress."⁸

Through privatization, states can get around voter resistance to prison construction bonds by having private corporations build the prison, who then turn around and send a huge bill to the state and thus taxpayers. This represents a classic case of "socializing the costs and privatizing the benefits."⁹

As of December 31, 1998, there were approximately 132,000 prisoners in privately operated prisons and jails, up from only 3,100 in 1987 (an increase of more than 4,000%!). At that time the largest proportion were under control of two companies, Corrections Corporation of

America and Wackenhut (over 90,000 prisoners), with facilities in both the United States and abroad.¹⁰

The author has a copy of the 1995 annual report of *Corrections Corporation of America (CCA)*, which is quite revealing. We are told, first, that CCA is the "leading private sector provider of detention and corrections services to federal, state and local governments." There is also a subsidiary, CCA International, which provides similar "services" in foreign countries. Still another subsidiary is TransCor America, which "is the nation's largest and most experienced prisoner extradition company." CCA is a big corporation, with its stock trading on the New York Stock Exchange. It presently operates 46 correctional facilities, including one in England, two in Australia and two in Puerto Rico. It is a growth corporation, indicating an obvious vested interest in a relatively high rate of incarceration. Revenues went from \$13 million in 1986 to \$207 million in 1995 (an increase of 1492%), while assets increased from \$8 million to almost \$47 million (an increase of 488%) and stockholders equity has gone from \$24 million to \$96 million (up 300%).

A number of serious problems have occurred with respect to the privatization of prisons and jails. Perhaps the most serious issue is the fact that private profit is the driving force in the privatization of the correctional system. A report by Equitable Securities in March, 1996 called "Crime Can Pay" included a "strong buy" advice to investors. The report concluded: "We consider the industry very attractive. There is substantial room for continued private-prison growth." The potential for profits has not escaped Wall Street. Ted Goins, of Branch, Cabell and Co., Richmond, Virginia, has compiled a list of "theme stocks" for the 1990s. At that point in time, his highest recommendation was for Corrections Corporation of America. A Prudential

Securities vice president, who is part of a "prison-financing team," is quoted as saying that "We try to keep a close eye on all the crime bills." Wall Street is indeed eager to back the growth in "crime control stocks" with such companies as Merrill Lynch, Prudential Securities, Smith Barney Shearson and Goldman Sachs among the leaders in support of privatization. One writer noted: "Between 1982 and 1990 California voters approved bonds for prison construction totaling \$2.4 billion. After interest is paid to lenders, the total cost will be \$4.1 billion. Now the big investors are bullish on private prisons." The firm of Raucher, Pierce and Refsnes of Dallas, Texas are the underwriters and investment bankers for Wackenhut Corrections. This company is reportedly doing about \$5-7 million worth of business each year, mostly "buying bonds and securities from the private prison companies or the state entities which issue them and reselling them to investors. That securities market is now a 2-3-billion dollar industry, up from nothing eight years ago..."¹¹

One interesting example of the profit-seeking frenzy can be seen in a 1996 conference sponsored by the World Research Group, an investment firm. In their brochure they noted that "While arrests and convictions are steadily on the rise, profits are to be made - profits from crime. Get in on the ground floor of this booming industry now!"¹²

One of the problems of privatization is that we are dealing with human services and the "sales" or "products" are human beings, rather than, for instance, automobiles. Thus profits are placed well above the needs of the people. A recent issue of Ralph Nader's *Health Letter* reveals some of the problems. In an article called "Milton, Matthew and Managed Care," Nobel Prize winning economist Milton Friedman is quoted saying "Few trends could so thoroughly undermine the very foundation of our free society as the acceptance by corporate officials of a

social responsibility other than to make as much money as possible." This article also quotes St. Matthew, who said that "No man can serve two masters...you cannot serve God and mammon." In this article it is noted that one of the recent trends in managed care is the phenomenon of "unprofitable patients" who have been "dumped by HMO's because, as a result of their age and attendant medical problems, they were not profitable enough." The article then noted the irony that "what is bad news for the dumped patients is obviously good news for Wall Street and the insurance company owners."¹³ The article concludes with a quote from an editorial in the *New England Journal of Medicine* which stated:

The most serious objection to such [investor-owned] care is that it embodies a new value system that severs the communal roots and samaritan traditions of hospitals, makes doctors and nurses the instruments of investors, and views patients as commodities...In our society, some aspects of life are off-limits to commerce. We prohibit the selling of children and the buying of wives, juries and kidneys...health care is too precious, intimate, and corruptible to entrust to the market.¹⁴

Likewise with the privatization of prisons.

We have seen numerous instances of serious problems with the privatization of prisons and other components of the criminal justice system. Not that the prison system has been all that successful in reducing crime, mind you, but at least prison administrators, and in fact the entire criminal justice system, are at least theoretically accountable to the public, since tax dollars support it. With privatization, there is no accountability. Numerous scandals demonstrate this, such as escapes, cost over-runs, etc. Russell Clemens, an economist with the Department of Research for the American Federation of State, County, and Federal Employees, put the problem in perspective when he noted that the various "problems regarding security, staffing, and quality of services have plagued prison privatization from its inception." He pointed out that in addition

to numerous escapes there have been problems pertaining to both health care and food service which characterize "the low quality of service in privately operated prisons."¹⁵

The riots at a private prison in New Jersey operated by Esmor Corrections Corporation is illustrative. After this riot there was a lot of media coverage, with the result that Esmor's stock went from \$20 per share to \$7. Since this riot, numerous private- prison corporations have been caught failing to report problems within their prisons. The reason is simple: such secrecy protects shareholders "from adverse market reactions that would likely occur if a problem were to be reported."¹⁶

As already suggested, the profits from the existence of prisons is dependent upon the continued increase in prison admissions. What if prison admissions begin to decline? Or, in the case of Summit View, very few "dangerous youth" can be found to fill the beds? We are already seeing some evidence of this. For instance, in New York state there has been a recent downward trend in the number of prisoners, resulting in the reduction of prison staff at many prisons. Specifically, the New York Department of Corrections has frozen hiring at 36 of the state's prisons, with the expectation that they will eliminate just over 600 jobs. One facility in upstate New York is illustrative.¹⁷

A \$90 million jail was built in tiny (pop. 2,400) Cape Vincent (near the St. Lawrence River) in 1988. Now with recent downward trends in prison populations they are worried that what they thought was a recession-proof industry may come to an end. One prison worker said, "Who ever thought crime would go down? Who ever thought we would run out of inmates?"¹⁸

A More Serious Problem

But we are still left with the most serious problem, as I see it. When we build these

“edifices” instead of spending money on community-based programs, we are stuck with them. They will outlive all of us. Summit View will still be standing 100 years from now. We have it and it looks like we have to use it. But for what? The “dangerous” juvenile offenders? We still have a hard time finding enough of them to fill all the beds. What may happen is this: the beds will be filled, but with relatively minor offenders, those traditionally sent to traditional training schools or even community-based facilities. Also, the costs of housing these “dangerous” youths will continue to be far higher than any other alternative. And speaking of alternatives, because the costs of operating this institution are so high, there will continue to be cutbacks on prevention programs, so that we will almost guarantee a steady supply of youthful offenders whom we have failed to provide needed services. This is not a very good deal for the offenders, their families, the victims, and certainly not a very good deal for taxpayers.

Backward Priorities

What alternatives would I recommend? It just so happens that I have one. First, I need to raise one important issue, namely, what are the priorities of the adults who control the state? Are we really committed to serving the needs of our youngest citizens? At the opening ceremony of Summit View a Nevada State Legislator stated that there was “a need for parents, teachers, law enforcement officials and civic leaders to address at-risk youth before they end up in facilities like Summit View.” An obvious truism, but why do such youth end up in such a facility? One major reason is that there is so little money available for desperately needed services and programs for these kids because the state of Nevada (and practically every other state) has decided to spend almost all of our money at the back end of the system!

Viewed historically, this is nothing new, for we have always done it this way. Why?

There are many possible reasons, but one stands out all by itself: it is more profitable to spend money at the back end, since such expenditures are part of the “crime control industry,” meaning big business and big government. Also, building these edifices and the use of various forms of high-tech hardware, such as security devices, barbed-wire fencing (like those that surround Summit View), weapons, etc. are very hyper-masculine, reflective of a very patriarchal society that supports a “get tough” philosophy.

On the other hand, preventive measures like counseling, drug treatment, recreational programs, anger management, tutoring, etc. represent a “soft” or “feminine” approach. And this approach does not sell, it doesn’t make a profit because anything remotely “feminine,” anything done mostly by women, has been degraded, ignored, minimized and marginalized in our society (most jobs performed by women throughout our history have received both low pay and low prestige).

So it should come as no surprise that so little is spent on prevention. We profess to be “child-centered,” with such hallow slogans like “children are our future,” yet we rank among the worst among industrial democracies in child poverty and many other measures of child welfare (e.g.. infant mortality rates). The appropriations from the 1997 Nevada Legislature provides some evidence of this (I cite this year because within this budget was money for Summit View). There is an old saying that one should always “follow the money.” Well, in following the money we find that just under \$30 million was to be spent on “infrastructure and capital improvements” (\$20 million was allocated for Summit View), while a comparative pittance of only \$3.5 million was to be spent on “programs and enhancements,” which included the embarrassingly paltry sum

of \$210,000 for drug and alcohol treatment programs!

Notes

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- ¹ See Shelden, R. G. (2001). *Controlling the Dangerous Classes: A Critical Introduction to the History of Criminal Justice*. Boston: Allyn and Bacon, ch. 5.
- ² Shelden, R. G. and W. B. Brown (2000). "The Crime Control Industry and the Management of the Surplus Population." *Critical Criminology* 9 (Autumn), pp. 39-62
- ³ More detail is provided in Shelden, *Controlling the Dangerous Classes*.
- ⁴ "Operator of privatized youth prison calls it quits," *Las Vegas Sun*, September 24, 2001.
- ⁵ "Troubled youth facility's takeover by state rejected." *Las Vegas Review-Journal*, November 27, 2001.
- ⁶ Spitzer, S. and A. T. Scull (1977). "Privatization and Capitalist Development: The Case of Private Police." *Social Problems* 25, 18-29.
- ⁷ Laursen, E. (1996). "A Tale of Two Communities," *Z Magazine* (October), 45-50.
- ⁸ Herman, E. (1997). "Privatization: Downsizing Government For Principle and Profit." *Dollars and Sense* (March/April), pp 10-12.
- ⁹ Dyer, J. (2000). *The Perpetual Prisoner Machine: How America Profits from Crime*. Boulder, CO: Westview Press, p. 245.
- ¹⁰ Irwin, J. and J. Austin (2001). *It's about time: America's incarceration binge* (3rd ed.). Belmont, CA: Wadsworth, p. 66.
- ¹¹ Brayson, C. (1996). "Crime Pays for Those in the Prison Business." *The National Times*, pp. 28-35; Thomas, P. (1994). "Making Crime Pay: Triangle of Interests Creates Infrastructure to Fight Lawlessness." *Wall Street Journal* (May 12), A1, A6.
- ¹² Pens, D. and P. Wright (eds.). (1998). *The Celling of America: An Inside Look at the U.S. Prison Industry*. Monroe, ME: Common Courage Press, p. 156.
- ¹³ Wolfe, S. M. (1999). "Milton, Matthew and Managed Care." *Health Letter* 15, 12. Washington, DC: Public Citizen Health Research Group, p. 12.
- ¹⁴ *Ibid.*, p. 11.
- ¹⁵ Dyer, *The Perpetual Prisoner Machine*, p. 203.
- ¹⁶ *Ibid.*, p. 204.
- ¹⁷ Rohde, D. 2001. "A Growth Industry Cools As New York Prisons Thin." *New York Times*, August 21.
- ¹⁸ *Ibid.*