

# Racial makeup of private prisons shows disparities, new study finds

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A disproportionate number of Hispanics are housed in private prisons across the United States, a pattern that could leave such prisons vulnerable to legal challenges, new research from Oregon State University shows.

The percentage of adult Hispanic [inmates](#) in private prisons was two points higher than those in public facilities, while the percentage of white inmates in private prisons was eight points lower than in public facilities, said Brett Burkhardt, an assistant professor of sociology in the School of Public Policy at OSU's College of Liberal Arts.

"This is a systemic issue," Burkhardt said. "Prison administrators should be aware of [racial disparities](#) in inmate placement to ensure that inmates' rights are being upheld and to avoid future lawsuits."

Private prisons are those operated by private for-profit or non-profit companies that have contracts with government agencies. In some cases, the private company operates an existing prison, while in others the company builds and operates the facility. About 8 percent of those sentenced to state or federal prison are being held in private facilities, according to a 2011 study.

But there are some concerns that those in private prisons have fewer opportunities for jobs and rehabilitation and are more likely to get in trouble while incarcerated, which could raise questions about whether private prisons provide inmates equal protection under U.S. civil rights

laws.

Research has shown that private prisons have higher rates of inmate misconduct; fewer work assignments for prisoners; more inmate grievances; and more escapes than public facilities, Burkhardt said.

"The data can't demonstrate that there is a violation of inmates' rights," Burkhardt said. "But prison officials should be aware of the pattern because it could trigger lawsuits."

Burkhardt's study is the latest in a growing body of research on racial disparities in the criminal justice system. African-Americans and Hispanics are incarcerated at much higher rates than whites in the U.S. and previous research has found widespread racial disparities throughout the criminal justice system.

The disparity in prison placement is not linked to higher overall incarceration rates of Hispanics. It appears to stem from the process in which inmates are assigned to a correctional facility, Burkhardt said. How those decisions are made is unclear; they typically are handled by prison administrators. The research indicates there is a racial pattern to inmate assignment at correctional facilities, which also could raise legal concerns for corrections officials, he said.

Burkhardt's findings were outlined in an article titled "Where Have All the (White and Hispanic) Inmates Gone? Comparing the Racial Composition of Private and Public Adult Correctional Facilities." The article was recently published in the journal "Race and Justice." The research was supported by OSU.

Burkhardt analyzed national correctional facility data for all state and federal correctional institutions from 2005, about 1,500 in all. Federal immigration detention facilities were excluded. He found that Hispanics

were overrepresented and whites were underrepresented in private prison populations.

African-Americans also were overrepresented in private prisons, but the difference was not considered statistically significant, Burkhardt said. When populations of African-American and Hispanic inmates were combined, they were four percentage points higher in private facilities than in public ones, which was significant, Burkhardt said.

The racial disparity is present in both federal and state facilities and it does not appear to be connected to the security level, size or age of the facility, he said. More research is needed to determine why Hispanics are over-represented in the private prison population, he said. For example, private firms may prefer healthier inmates, which tend to be young, non-white inmates; or the assignments may be tied to prisoners' gang affiliations.

"It's not entirely obvious why this is happening," Burkhardt said. "It's a little bit of a mystery."

Provided by Oregon State University

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