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# Trends & Policies in Criminal Justice

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## An Evaluation of the Outcomes of the Private Prison System in Korea

### CONTENTS

- Introduction 02
- The Private Prison and Its Current Status in Korea 03
- Research Design and Results 04
- Policy Recommendations for the Advancement of  
Private Prisons 07

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## Abstract

The United States government began the operation of privately funded correctional facilities in the 1980s in response to prison overcrowding, signaling the emergence of private prisons. Currently, only one out of Korea's 54 correctional facilities is privately operated: Somang Correctional Institution is operated by Agape, a non-profit foundation. This study was conducted to diagnose Korea's current status in achieving the objectives of the introduction of private prisons (e.g., budgetary savings, alleviation of prison overcrowding, innovative facility operation and inmate treatment, and reduction of recidivism) in commemoration of the 10th anniversary of the opening of Korea's first private prison. The results indicate that inmate satisfaction at Somang Prison is higher than that for state prisons. However, the operation of a single private prison is deemed inadequate to resolve prison overcrowding. Although no significant statistical differences were found between state and private prisons in terms of the reduction of recidivism, in-depth interviews revealed that inmates and prison staff at Somang Prison are more positive about the institution's effectiveness in reducing recidivism possibility of reoffending after release. Based on the findings, we offered a set of policy proposals to share innovative inmate correctional programs through exchanges between private and state prisons and highlight the need for additional private prisons.

## Introduction

Most correctional facilities have been installed and operated by the state. However, starting with the United States in the 1980s, many countries began to adopt private prisons to resolve prison overcrowding. In parallel with the rise of public service privatization, the private prison system was adopted as a means of resolving the problems of high recidivism rates, prison overcrowding, and poor inmate treatment. Among them, overcrowding emerged as the most pressing issue in the correctional services sector. Overcrowding was pointed out as the major culprit for conflict and violence among inmates, human rights infringement, and increased recidivism. However, as it required significant amounts of both funding and time for the state to build new prisons, countries began to seek the alternative of private prisons, starting with the United States. It was suggested that the main advantage of the private prison system would be lowered expenditures by leveraging private-sector finance.

However, many also argued that the operation of prisons by profitmaking companies was likely to result in degradation of service quality, over-accommodation of inmates, disturbances in the external labor market, and corruption. In the U.S., some judges were found to have orchestrated a scheme to send juvenile offenders to certain for-profit juvenile correctional facilities in exchange for kickbacks. Private prisons also came under suspicion for deliberately extending prison terms to increase revenue. Some studies reveal that poorer inmate treatment at private prisons leads to more frequent acts of violence among inmates or violence toward prison staff. The issue of judicial ethics concerning whether the execution of state authority to punish criminals can be relegated to the private sector has also yet to be resolved.

As of November 2021, Korea is operating 54 correctional facilities, among which Somang Correctional Institution is the only private prison. Somang Prison opened its doors in Yeosu, Gyeonggi-do on December 1, 2010, pursuant to the consignment contract signed between the Ministry of Justice and Agape Foundation based on relevant laws enacted in January 2000.

Somang Prison screens applicants among prisoners who are sentenced to a prison term of seven years or less with at least one year remaining to be served, who have committed no more than a second offense, and who are aged between 20 and 60 (excluding criminals involved in public security offenses, drug offenses, and organized crimes) to accommodate only those who are in effect first-time offenders and sentenced to short prison terms. There has been a growing need to analyze and evaluate the outcomes of Korea's private prison over the past ten years and explore the ways in which further improvements can be made to make further progress. That is especially because 90% of its operating expenses are compensated by the state and controversies on the legitimacy of the private sector's involvement in criminal justice have yet to be settled.

This study aims to diagnose the substantive progress of the private prison in terms of budgetary savings, alleviation of overcrowding, innovative facility operation and inmate treatment, and reduction of recidivism. We conclude with proposals for improvement.

## The Private Prison and Its Current Status in Korea

Somang Correctional Institution operated by Agape Foundation is the only private prison in Korea. It originally opened to accommodate 300 inmates and was expanded to accommodate 400 in 2017. Offenders who wish to be sent to Somang Prison are screened for eligibility through interviews and other processes by the Korea Correctional Service under the Ministry of Justice. As of 2021, the total number of inmates reached 380. Among them, offenders serving sentences for violent crimes including sexual violence account for the highest share at 57%, followed by those serving sentences for property crimes at 29%. More specific figures are as follows.

Table 1. Status of Inmates by Type of Crime (as of January 2021)

(Unit: persons)

Total	Violent crimes (57%)							Property crimes (29%)				Others (14%)
	Subtotal	Murder	Robbery	Sexual violence	Violence	Bodily harm	Arson	Subtotal	Theft	Fraud	Embezzlement and breach of trust	
380	215	9	22	166	1	16	1	112	9	97	6	53

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Pursuant to Article 71 of the Agreement to Consign Correctional Affairs including the Installation and Operation of Prisons, Somang Prison currently offers a wide range of inmate programs such as the following: school education; vocational training; guidance on prison life; religious services; community reconnection through arts, music, and physical education; social reintegration on release; and reconciliation with victims. School education is provided to inmates in need of compulsory elementary and middle school education with all expenses covered by the institution. The Individualized Programs for Inner Change and Restoration (IPIR) is a correctional program tailored for each inmates' characteristics to bring substantive change to their behavior. Barista certificate, industrial equipment engineer certificate, and barber and hairdresser certificate courses have also been provided to encourage in-prison vocational training.

## Research Design and Results

### Research Design

Research was centered on the following five areas: the governmental supervision of the private prison; expectations for private prisons; organization and operation; inmate treatment; and perceptions on private prisons. The performance of Somang Prison over the past ten years was analyzed from multifaceted perspectives by conducting document analysis, questionnaires and in-depth interviews of prison staff and inmates, and public perception surveys. Comparative research was also conducted on three state prisons that are similar to Somang Prison in terms of scale and inmate characteristics.

### Results

- Governmental Supervision

The Ministry of Justice reinforced its supervision after the incidence of corruption involving Somang Prison's warden and vice warden surfaced in 2018. The position of vice warden was abolished in accordance with the organization of state prisons, and the wage system was renovated.

- **Expectations for Private Prisons**

Somang Prison staff displayed the highest level of expectations for private prisons in terms of the alleviation of prison overcrowding, followed by that of inmates and staff of state prisons. All respondent groups positively evaluated the role of private prisons in reducing prison overcrowding.

However, Somang Prison is permitted to accommodate only 400 inmates – a figure equivalent to, as of 2020, less than 1% of the total capacity of 48,600 inmates of all prisons nationwide. A single private prison is insufficient to bring notable change to the issue. As such, the opening of additional private prisons should be considered. Other alternatives can be the operation of a classification center or a separate detention facility as a workhouse for those who do not pay their fines.

All respondents agreed that the operation of the private prison was effective in lowering governmental expenditures. However, they exhibited divided views on the substantive impact of the private prison on preventing recidivism. Private prisons have been expected to reduce recidivism more effectively through diversified inmate treatment programs compared to state prisons. However, the results of document analysis showed insignificant difference between the rates of those reconvicted and reincarcerated from state prisons and those from Somang Prison. This finding is in line with a study conducted in the U.S. on the effectiveness of private prisons in preventing recidivism. Nevertheless, prison staff and inmates of Somang Prison showed higher levels of expectation for the effectiveness of private prisons in preventing recidivism than that of staff and inmates of state prisons and the public.

- **Organization and Operation**

Private prisons have been believed to be capable of more efficient operation as personnel can be more flexibly managed based on the business practices of the private sector. In its initial stage, Somang Prison was accused of religious discrimination in hiring prison staff. However, it now recruits employees via blind resume screening and enlists the help of external interviewers. The questionnaire survey results showed that the level of job satisfaction of private prison staff is higher than that of state prison staff across a number of areas including communication, welfare, personnel arrangement, and capacity building. These findings indicate that Somang Prison has strived to reduce personnel expenses and enhance organizational efficiency despite multiple restrictions in its flexible personnel arrangement.

To accurately assess the institution's inmate management capabilities, research was also conducted on Somang's efforts in responding to the COVID-19 pandemic. The results demonstrated that, contrary to widespread concerns, it generated positive outcomes regarding the response to COVID-19, inmate management, and administration with less funding than state prisons. In order to ensure efficiency in Somang's operation and organization, it is deemed necessary to reinforce its communication with the Korea Correctional Service while also allowing greater autonomy.

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- **Inmate Treatment**

Inmate treatment at Somang Prison was surveyed across the following ten indicators: facilities; services; family relationship reinforcement; protection of rights and grievance settlement; vocational training; prison labor and contact with the outside; education; inmate activities; safety and order; and medical care. The survey results showed that the level of satisfaction with inmate treatment was higher at Somang Prison than at state prisons overall.

Inmates' satisfaction with prison life at state prisons was scored at 3.01, which is close to "neutral," while inmates at Somang Prison showed a higher level of satisfaction at 3.8. The difference between two figures is significant enough to prove that inmates at the private prison are more content with their prison life. More specifically, inmates at Somang Prison attained more technical qualification certificates than those at state prisons. Furthermore, over 98% of capable inmates were participating in prison labor at Somang. Somang Prison offered the highest amount of monetary incentives for prison labor among the nation's 54 prisons. However, volunteer activities and visits to diverse sites for community reconnection were relatively inadequate due to the low number of officers.

As for medical care services, prison staff and inmates at Somang Prison were considerably satisfied as the smaller size of the institution allowed for a shorter waiting period between signing up for medical care and the provision of medical services. Somang staff explained that the use of outside healthcare providers is not allowed due to the institution's remote location and shortage of officers required to accompany inmates.

Inmate activities at Somang Prison are appraised as having been substantially improved due to factors such as innovative treatment programs, activity diversification, and the availability of daily, weekend, and holiday programs. However, all prisons, including Somang Prison, have yet to develop and implement effective victim empathy training programs and treatment programs aimed at addressing different risk factors.

- **Perceptions of Private Prisons**

The survey on the perceptions of private prisons showed that prison staff, inmates, and the public alike agree that private prisons are necessary to alleviate prison overcrowding, improve inmate treatment, utilize social resources, and achieve budgetary savings. However, whereas the majority of inmates and private prison staff did not agree with the supposed disadvantages of private prisons (e.g., prison staff's lack of experience and expertise, difficulties in inmate management, and poor service quality due to financial instability), the public and state prison staff displayed these concerns.

Table 2. Need for Private Prisons and Concerns

Category	Inmates		Prison staff		Public
	State	Private	State	Private	
Need for private prisons	3.82	4.19	3.35	4.70	3.28
Alleviation of overcrowding	3.90	3.83	3.78	4.38	3.54
Innovative inmate treatment	3.78	3.96	3.16	4.56	3.14
Utilization of social resources	3.64	3.92	3.44	4.44	3.22
Budgetary savings	3.70	3.73	3.36	4.40	3.35
Reduction of recidivism risk	3.55	3.99	2.57	4.32	2.93
Promotion of local economies	3.55	3.62	3.55	4.18	2.87
Prison staff's lack of experience and expertise	2.80	2.49	3.58	2.32	3.28
Difficulties in inmate management	2.71	2.38	3.56	2.38	3.38
Poor service quality	2.62	2.41	3.12	1.96	2.96

(1: strongly disagree, 2: disagree, 3: neutral, 4: agree, 5: strongly agree)

## Policy Recommendations for the Advancement of Private Prisons

In accordance with the survey results, Somang Prison has been achieving positive outcomes on the whole. However, the operation of a single private prison is deemed inadequate to resolve the issue of prison overcrowding. In addition, no statistically significant differences were found between state and private prisons in terms of recidivism reduction. Nonetheless, in-depth interviews showed that the inmates and prison staff of Somang were more optimistic about the institution's ability to reduce the inmates' reoffending on release. In view of the findings, we suggest policy proposals for the installation and operation of private prisons as follows.

In the short term, exchanges between state and private prisons must be promoted to encourage both parties to actively share the outcomes of innovative inmate treatment, while also revising the taxation system for private correctional service providers and reinforcing the substantive role of Agape Foundation in operating Somang Prison. Somang Prison was able to operate various correctional treatment programs that could not be launched at state prisons due to safety issues. It turned out that those programs were effective in improving the treatment of inmates. However, limitations exist in analyzing and promoting the institution's innovative inmate programs, and

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applying them to state prisons. Efforts must be made by the Ministry of Justice and Somang Prison to publicize and disseminate the institution's achievements. In the same vein, such efforts at state prisons are also necessary for bringing positive change to the entire correctional service system. Support from state prisons is also required to address the identified weaknesses of Somang Prison.

In the mid-to-long term, we recommend strategies for improvement as follows: development of performance assessment framework for private prisons; specialization of private prisons; adjustment of eligible convicts and accommodation capacity; and establishment of additional small-scale private prisons. In this study, we have developed a preliminary set of performance indicators in consideration of the objectives for introducing the private prison system, based on performance indicators utilized by the Korea Correctional Service. Further discussions and joint research between the Korea Correctional Service and the private prison should follow in the future to develop more elaborate performance indicators, which must include both commonly applicable indicators and those specific to private prisons for an adequate comparison between state and private prisons. Since Somang Prison appears to be accommodating mostly low-risk inmates compared to state prisons, its correctional outcomes have been undervalued despite its efforts to operate a wide range of programs. In due course, it is necessary for Somang Prison to share its inmate rehabilitation outcomes more widely based on its experiences.

In the long term, the opening of additional small-scale private prisons should be considered. In particular, it is deemed necessary to gradually expand specialized private prisons across different regions. The operation of specialized prisons (e.g., prisons for mentally disordered inmates, severely ill inmates, female inmates, juvenile delinquents, elderly inmates, and inmates with disabilities) could be commissioned to the private sector, which has advantages over state prisons in terms of resources and willingness to operate. Small-scale correctional facilities for 50–100 inmates would be suitable for inmates requiring special treatment. The establishment of such small-scale facilities nationwide will help reduce the turnover rate of prison staff and increase the accessibility of private sector volunteers.



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# MEMO



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