Social Control Meets New Public Management: Examining the Diffusion of State Prison Privatization, 1979-2010

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While the merits and perils of privatization have remained a contentious and often polarizing debate, privatization of public services remains commonplace throughout the world. For instance, over the last several decades, U.S. governments at all levels have routinely pursued contracting arrangements for corrections management, known popularly as prison privatization. In this article, state prison privatization (SPP) is examined in three ways. First, we use an externally focused policy diffusion framework to help explain the adoption of SPP-enabling legislation across U.S. states. Second, we explore the extent to which the American Legislative Exchange Council has influenced the adoption of prison privatization legislation. Third, we explore the role of state wealth inequality in determining a state's propensity to adopt prison privatization policies. Examining state-level data from 1979 to 2010, this article finds empirical support for each of these key theoretical assertions. Furthermore, we find evidence that the external diffusion effect may vary depending on the political orientation of the state.

Keywords: Privatization, Contracting-Out, Public-Private Partnerships, Prison Privatization, Corrections Management, New Public Management, State Policy Diffusion, Privatization Diffusion, American Legislative Exchange Council, Privatization Legislation, ALEC, Public Administration.

Related Articles:
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El control social se une a la nueva gestión pública: examen de la difusión de la privatización de prisiones estatales, 1979-2010

Si bien los méritos y peligros de la privatización han seguido siendo un debate polémico y a menudo polarizador, la privatización de los servicios públicos sigue siendo común en todo el mundo. Por ejemplo, durante las últimas décadas, los gobiernos de los EE. UU., en todos los niveles, han seguido de manera rutinaria los acuerdos de contratación para la gestión de correcciones, conocidos popularmente como privatización de prisiones. En este artículo, la privatización de prisiones estatales (SPP) se examina de tres maneras. Primero, usamos un marco de difusión de políticas con enfoque externo para ayudar a explicar la adopción de la legislación habilitada para SPP en todos los estados de EE. UU. En segundo lugar, exploramos hasta qué punto el Consejo de Intercambio Legislativo de los Estados Unidos ha influido en la adopción de la legislación sobre privatización de prisiones. En tercer lugar, exploramos el papel de la desigualdad de riqueza estatal en la determinación de la propensión de un estado a adoptar políticas de privatización de prisiones. Al examinar los datos a nivel estatal de 1979 a 2010, este estudio encuentra apoyo empírico para cada una de estas afirmaciones teóricas clave. Además, encontramos evidencia de que el efecto de difusión externa puede variar según la orientación política del estado.

Palabras clave: Política de privatización de la prisión, Sistema correccional, Estados Unidos, Administración pública, Contratación, Sociedades público-privadas, Gestión de correcciones, Difusión de la política estatal, Difusión de la privatización, Nueva gestión pública.

社会控制遇上新公共管理: 检验1979-2010年间各州监狱私有化扩散

尽管私有化的优缺点仍然充满争议，且时常出现极化，但公共服务的私有化依然在全球都很普遍。例如，过去几十年来，美国各级政府都例行公事地为惩戒管理，即被广为知晓的监狱私有化，安排了外包。本文中，国家监狱私有化（*SPP*）经过了三种方式的检验。首先，笔者使用聚焦于外部的政策扩散框架，以帮助解释*SPP*立法在美国各州的广泛采纳。其次，笔者探索了美国立法交流委员会在何种程度上影响了监狱私有化立法的采纳。再次，笔者探索了财富不平等在确定各州采纳监狱私有化政策时的倾向一事上所产生的作用。通过检验*1979-2010*年间的州级数据，笔者发现，外部扩散效果可能会因该州的政治倾向而产生差异。

关键词: 监狱私有化政策, 惩戒体系, 美国, 公共行政, 外包, 公共-私有伙伴关系, 惩戒管理, 州政策扩散, 私有化扩散, 新公共管理.

During the 1999 Arizona legislative session, Republican Senator Brenda Burns, then the serving National Chairwoman of the American Legislative Exchange Council (ALEC), personally sponsored AZ House Bill 2017, which required "the Department of Corrections to develop a plan to contract for up to 4,200 privately owned prison beds, and to begin phasing in the use of those (private) beds" (Sarabi and Bender 2000, 5). After breezing to passage in the House, this particular piece of legislation ultimately failed in the AZ Senate, but still highlights the potential policy influence that advocacy groups, such as ALEC can wield over state policy making (Sarabi and Bender 2000). In 2016, during a national gathering of ALEC members, Vice President Mike Pence made the statement, "I was for ALEC before it was cool" (Hillyard 2016). The former episode highlights broader lessons concerning the adoption and spread of state privatization legislation, a dynamic of state policy making that emphasizes the role of political ideology and elite networks of decision makers and advocacy groups, such as ALEC. The latter exemplifies the widespread membership of ALEC, from local government officials to the vice presidency.

Arizona was not alone in the pursuit of state prison privatization (SPP) legislation; a plethora of states have turned toward privatization, many of which may have been driven by the presence of model legislation, which can influence the content of policy adoptions (Jansa, Hansen, and Gray 2018). Nonetheless, as the "new public management" philosophy has been steadily embraced by public sector actors as an ever acceptable form of state-craft by governments worldwide (Megginson and Netter 2001), many jurisdictions have sought to establish privatized arrangements due to its potential to cope with increasing expenditures, induce administrative efficiency, lower costs, and provide a better quality of service delivery (Brudney *et al.* 2005; Donahue 1989; Nicholson-Crotty 2004; Savas 2000).

One area of public service that has been increasingly privatized involves corrections management, more popularly known as "prison privatization."

Since the mid-1980s, there has been substantial growth in private for-profit correctional facilities undertaking penal activities at the street-level (Kim and Price 2014; Price and Riccucci 2005), subsequently raising scholarly inquiries regarding the reasons why states demonstrate proclivity toward market-based corrections management over in-house government-controlled arrangements (see e.g., Austin and Coventry 2001; Jacobs 1983; Jing 2007; Kim and Price 2014; Logan 1990; Nicholson-Crotty 2004; Price and Riccucci 2005). While these initial laudable efforts have illuminated various internal determinants of SPP, to date, minimal attention has been directed at the diffusion or external spread of SPP adoptions over time.

We examine SPP adoption dynamics to determine how this policy diffuses across space and time. Specifically, we test whether economic competition or policy learning is occurring among the SPP adopting states. Furthermore, we test whether the neighboring diffusion effect is conditioned on the political orientation of the state. Next, this article theorizes that internal determinants also have a role in SPP. Specifically, we hypothesize and find evidence that state affinity toward the ALEC and levels of wealth inequality within a state leads to an increased propensity toward SPP adoption. Controlling for other internal state determinants, SPP legislation adoption is examined from 1979 to 2010.[1]

Privatization and Corrections Management

Prison privatization—or shifting the street-level administration of correctional facilities to private firms, such as Corrections Corporation of America and GEO Group—represents an increasingly popular tool of penal governance in contemporary America (Blakely 2005; Culp 2005; Gaes 2005; Jing 2007; Nicholson-Crotty 2004; Price and Riccucci 2005; Selman and Leighton 2010). However, relatively modest scholarly attention has been directed toward the antecedents of prison privatization or examining patterns in privatization occurring across states. A burgeoning literature exists, but there is a lack of any consistent, comprehensive understanding of the various factors underlying SPP decisions. More importantly, there is minimal understanding of the dynamic manner by which prison privatization spreads among state-level contexts over time. Early studies report strong political effects and the influence of conservative ideology (Nicholson-Crotty 2004; Price and Riccucci 2005), while more recent SPP research finds that economic conditions and stressed state prison capacity motivate privatization decisions (Jing 2007; Kim and Price 2014). Past SPP research efforts dutifully set the theoretical foundations for thinking regarding an intricate mixture of economic, political, and social determinants potentially underlying SPP decisions. However, past research is

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[1] This constitutes the time period of the first SPP adoption to the last adoption.

limited in several key ways that we seek to rectify by capturing the entirely of the prison privatization movement from 1979 to 2010.

First, past SPP research largely employs static, cross-sectional analyses of SPP decisions for a single year (Price and Riccucci 2005). There exist SPP studies with limited time series (see Kim and Price 2014; Nicholson-Crotty 2004), but scant attempts to model the temporal dynamics of SPP adoption over time exist. Along with employing relatively static datasets and methodologies, extant research focuses almost exclusively on examining state-centric "internal determinants" that might be driving SPP adoption, while ignoring external or neighboring factors and broader diffusion patterns occurring across U.S. jurisdictions over time. Our article introduces external determinants coupled with external interactive political determinants, alongside internal effects, bringing significant theoretical and empirical extension to the SPP and policy diffusion literatures. Additionally, we introduce two new internal determinants, levels of state ALEC membership and wealth inequality. Past SPP research has not examined these variables, but this article theorizes that these underexplored forces exhibit an influence on SPP adoption. Next, past research is limited by focused attention on the "magnitude" of privatization or the numerical degree of SPP taking place (e.g., the percentage of total state prisoners housed in private facilities), rather than examining initial prison privatization adoption decisions. Our article treats SPP as a unique policy "innovation" with initial adopters and subsequent laggard states that choose to adopt or not adopt predicted by a blended causal mixture of internal and external factors beyond state borders.

Policy Diffusion and SPP

At its core, policy diffusion theorizes that specific theoretical pathways, or causal mechanisms, can explain why policies spread across jurisdictions (Shipan and Volden 2006, 2012). These diffusion theories often rely on a neighboring effect to help explain diffusion dynamics (see e.g., Berry and Berry 1990; Mooney 2001). For example, states are more likely to learn from, imitate, or compete with other jurisdictions that border one another in close proximity.

While diffusion studies have examined a multitude of public policies, including state lotteries (Berry and Berry 1990), smoking bans (Shipan and Volden 2006), driving under the influence interlock laws (Sylvester and Haider-Markel 2015), gay marriage (Haider-Markel 2001), or stem cell research (Karch and Cravens 2014) to name a few, minimal studies have examined the diffusion of administrative privatization. This is surprising given that privatization decisions can significantly alter the cost structure and delivery of basic social services,

impact citizens and taxpayers in the administrative process, and raise normative questions concerning the foundational roles of government and the proper relationship between the public and private sectors. Furthermore, examining diffusion can reveal policy makers' motives behind SPP adoption, whether it be economic considerations, political motivations, or external cues from other states, and can provide some potential clues to policy making in similar areas of administrative privatization or market-centric policy approaches. We believe that prison privatization adoption will be driven by a mixture of external determinants including economic competition, policy learning, and conditional political factors (Berry and Baybeck 2005), in addition to internal determinants like state wealth inequality and advocacy group presence, such as ALEC. We expound upon these notions in the following sections.

Economic Competition and SPP Diffusion

Multiple theories and research endeavors describe how jurisdictions interact with one another in a unique federalist system (see e.g., Shipan and Volden 2006, 2008). One way to conceptualize this interaction is "competitive federalism," where surrounding states or localities compete with one another over policy choices, tax paying citizenries, industry location, and economic health (Tiebout 1956; Volden 2002, 352). Structural and cyclical deficits at the state level along with the devolution of policies from the federal government to states and local governments has caused jurisdictions to begin experimenting with a variety of policy approaches (see e.g., Shipan and Volden 2008), especially those that offer the potential for cost savings in high priority, high expenditure areas, such as corrections management. However, these new policies often have externalities for other jurisdictions; especially policies that likely have tangible economic effects on multiple surrounding jurisdictions—not just the adopting home state. This neighboring rivalry most readily takes the form of economic competition, or the idea that policies adopted by one government have potentially negative economic consequences for others if left unadopted. Multiple studies look at the diffusion of overt economic policies rife with potential material redistribution, including the diffusion of state income tax and state sales tax (Berry and Berry 1992, 1994), enterprise zones (Mossberger 2000), tax apportionment policies (Omer and Shelley 2004), Indian gaming (Boehmke and Witmer 2004), and development and research tax credits (Miller and Richard 2010). The economic competition hypothesis states that the likelihood of adoption varies depending on the potential for tangible "economic spillovers" (Shipan and Volden 2006, 842). If a policy produces negative externalities for a nonadopting state or puts them at a relative disadvantage, it will be more likely that other states will attempt to protect themselves from

these policies (Baybeck, Berry, and Siegel 2011; Berry and Baybeck 2005; Shipan and Volden 2008).[2]

Provider competition through privatization is thought to produce innovative administrative approaches among adopting governments, which may lead to reduced costs, more efficient management practice, and improved administrative quality (Bouché and Volden, 2011; Brudney *et al.* 2005; Savas 2000). In turn, we believe that SPP diffusion will follow the standard "S-shaped" curve exhibited by other policies with economic dimensions where early innovative states adopt relatively slowly, followed by a period(s) of rapid adoption, then tapering off after a period of policy maturity.

We also posit that states will react to other states' SPP through channels of strategic economic competition. We take the position that increased privatization by a state's neighbors will engender a rivalrous economic environment around corrections expenditures, making it more likely that states will compete with one another over corrections management and potential administrative cost-savings to gain an economic advantage over other states. The effect of economic competition is normally limited geographically (Berry and Baybeck 2005; Shipan and Volden 2008), therefore we hypothesize that:

> Strategic Competition Hypothesis: As neighboring states increasingly adopt legislation to enable SPP, a state will be more likely to adopt its own privatization enabling legislation.

Policy Learning and SPP Adoption

Aside from economic competition, law makers may not necessarily be tuned into tangible fiscal spillovers and advantages, and therefore, adoptions may be more likely not when states compete, but when states can learn about SPP from administrative experimentation among similar states, rather than for purely competitive reasons. Ideological variables have been employed in recent policy diffusion research to model neighboring learning or regional learning effects (see e.g., Butz, Fix, and Mitchell 2015; Grossback, Nicholson-Crotty, and Peterson 2004; Sylvester and Haider-Markel 2015). Specifically, policy

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[2] Economists have noted theories such as strategic or fiscal interaction define how jurisdictions respond to one another. One way to conceptualize strategic behavior is by recognizing that different strategies are employed depending on the implication of the policy. For example, it has been noted that the "defensive behavior" defined by aversion to negative economic spillovers discussed above is not the only way policy makers respond. There exist "offensive" competitive behaviors, such as attempts to secure revenue (Baybeck, Berry, and Siegel 2011, 239) or taking advantage of a neighbor's economic policy adoption. One example could be sales tax. If a jurisdiction raises their sales tax, their neighbors may also raise theirs because there is more concern that their citizens might engage in interstate travel to purchase items from other states with a lower tax rate. Conversely, a jurisdiction might keep their sales tax rate the same in hopes of securing revenue from a jurisdiction's citizens that just raised their sales tax, particularly those near a border state.

makers are expected to be more likely to learn about SPP administrative approaches from their most ideologically similar neighbor as opposed to learning from each neighboring state equally. Conventional wisdom suggests that we should expect that home states will learn about SPP administrative approaches most readily from those neighbors in closest geographic proximity, and especially those neighbors with the closest ideological ties.[3]

> Learning Hypothesis: States will be more likely to adopt SPP legislation when their most ideological similar neighbor adopts.

Additionally, political dimensions of the diffusion may be more complex than a state looking to other ideologically similar states. Since the privatization debate often centers the politics of economics (e.g., supply side vs. Keynesian perspectives, corporate interests vs. citizen rights, etc.), we believe that privatization will be motivated by political considerations in conjunction with external determinants. In the basic competitive model of contracting out, governments may choose among several private sectors providers who offer services at a lower cost. However, the potential suppliers and government contracts and contract specialists are often limited, and subsequently the choice of the service provider is made with minimal information (DeHoog 1990). Given the lack of information available, we believe that the internal political-partisan orientation of a state, along with the policy behavior of other states will be a cognitive shortcut in the decision to privatize. As research has found, legislatures embrace the policy agendas espoused by their constituencies (see e.g., Karch 2007; Mayhew 1974) and diffusion has been found to be influenced by public opinion (Pacheco 2012). Put differently, electoral considerations and preferences of the mass public, in short, affect which policies are ultimately enacted as well as the provisions of these policies (Karch 2007, 4). Given this, we expect that relatively liberal and conservative states will respond differently to economic considerations, meaning that there is a conditional competition effect with neighboring SPP adoptions (see e.g., Shipan and Volden 2008). In particular, we expect that relatively liberal and democratically controlled state governments will be more resistant and less receptive toward market-based policy developments in corrections management and administrative cost savings in neighboring states. Conversely, we expect that more conservative and Republican led states will be more susceptible to neighboring competitive forces from administrative cost savings around corrections management and will have greater proclivity to respond to neighboring SPP with privatized arrangements of their own. We believe this conditional political effect may be seen in the presence of states where a single-party dominates the state

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[3] We realize that policy learning, especially related to market-based privatization efforts, may be more likely when conservative states can learn from conservative states. We tried different model variations and found that there was not significant variation in learning across similar ideologies.

legislature, which may lower a state's policy responsiveness to public demands (Schreckhise 2018, 244), or states that have a highly partisan constituency, where state legislators may be more responsive given that policy makers are rational, and would want to adopt positions similar to their constituents (see e.g., Karch 2007; Mayhew 1974).

> Strategic Political Competition Hypothesis: A state's response to neighboring SPP adoptions is contingent upon the state's ideological and partisan orientation. States with more liberal or Democratic orientations will be less likely to respond to neighboring adoptions with their own SPP arrangements.

Despite these hypotheses, it would be naïve to assume that only a state's external competitive and learning environments exhibit an influence over SPP diffusion processes, therefore it is important to control for multiple rival internal determinants potentially driving SPP diffusion. These will be discussed in the next section.

Hypothesized Internal Determinants

As state governments have become more professionalized, governing associations and national policy networks, such as the Council of State Governments, have become more interconnected nationally (Berry and Berry 2014). As documented by diffusion research into same-sex marriage and abortion policies (Haider-Markel 2001; Roh and Haider-Markel 2003), states are arguably increasingly learning about policy models from organized associations and advocacy groups operating at the national level. For instance, the ALEC has a reputation for providing policy roadmaps and specific statutory language to state law makers in pursuit of enacting conservative legislative outcomes, such as privatization of correctional facilities. Therefore, we rely on a measure of state *ALEC membership.* Multiple studies have proposed that ALEC influences policies such as climate policy (Selin and VanDeveer 2009), the privatization and marketization of education policies (Anderson and Donchik 2014), and self-defense laws across states (Garrett and Jansa 2015). This influence likely stems from the large number of policy propositions afforded to state legislators yearly (Selin and VanDeveer 2009), ALEC's propensity to influence policy in the United States in the last 30 years through the courting of high-ranking Republican legislators and business leaders (Anderson and Donchik 2014), and the fact that the organization created model SPP legislation in the year 1995. Thus this article proposes that ALEC will likely influence SPP policies. To measure ALEC's influence on SPP adoption, we employ the total number of ALEC members in the state house or state senate at a given time period. Once the representative left office, this value was reduced. Thus if a state had no

ALEC members from 1979 to 1981, this value would be 0. If two more joined in 1982, this value would be 2. If one left in 1983, the value would be reduced to 1. While this measure is not ideal because it does not specifically measure ALEC's arrival or departure, we feel that it is adequate to show ALEC's influence within state legislatures during the time frame examined here.

Finally, we rely on *wealth inequality*, which is considered by some to be the most urgent imperative among social problems (Atkinson 2015). Multiple studies have proposed that privatization increases levels of wealth inequality, but few have explored the way where inequality might potentially influence policy outcomes.

In Mills's (1956) seminal work, he theorized that elitism dominated modern society. That is, government was controlled by corporate, military, and political elites. Thomas Dye (2000) stated that policy does not come from the people, but from a consensus among elites, and Franko (2013) argues that the affluent have an outsized influence on the policy process. Gonzalez (2001) argued that economic elites drove environmental policy in the United States for their own advantage, and it has been found that certain policy entrepreneurs (Mintrom 1997) can shape policy. Additionally, Gilens and Page (2014, 565) found that "economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy, while mass-based interest groups and average citizens have little or no independent influence." Given this, we believe that in states that are highly affluent with a sizeable proportion of lower-income individuals, business leaders may be more equipped to mobilize privatization efforts. To examine wealth inequality, we rely on the Atkinson index logged, which is a commonly used measure of inequality.[4] This measure accounts for sensitivity on both ends of an income distribution (Atkinson 1983). These data were obtained from Frank's (2015) measures of state-level inequality.

Internal (Control) Factors

It has been consistently found that internal conditions within a state influence its decision to privatize corrections management. For example, political factors (Jing 2007; Nicholson-Crotty 2004), administrative factors (Nicholson-Crotty 2004), insufficient capacity in the form of overcrowding or financial restrictions (Austin and Coventry 2001; Jacobs 1983; Logan 1990), political culture or regional factors (Price and Riccucci 2005), and labor relations (Kim and Price 2014) all contribute to adopting prison privatization. Therefore, we develop a unique set of internal covariates to identify the state-centric reasons why states adopt legislation to privatize their prisons, and to

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[4] We also examined Gini coefficient and got similar results. Atkinson was used because it captures aspects of wealth inequality not relevant strictly to finances.

better isolate the direct effects of neighboring external variables. Congruent with past research, we theorize that a mixture of internal political, demographic, and economic factors may help to explain SPP adoption.

Political Factors

It has been found that political factors can predict SPP (Jing 2007; Nicholson-Crotty 2004). Therefore, we rely on a variable that signifies the *party control* of the state legislature. We would expect this factor to exhibit an influence on SPP for two reasons. First, "old fashioned partisanship" has been found to influence the proclivity for SPP (Kim and Price 2014, 261). Therefore, if a state legislature is unified, we would expect that privatization legislation would be easier to pass due to less institutional resistance by the opposing party. Second, we expect Republican Party control to be more favorable toward privatization while Democrats less (see e.g., Price and Riccucci 2005). For this measure, we gather yearly data from the National Conference of State Legislators. This variable is coded as to whether the state legislature is controlled by the Republican Party or divided (coded as 1) or if the Democratic Party controls both chambers (coded as 2). Next, we rely on the yearly *citizen's political ideology* within each state which is taken from the updated Berry and others' (1998) dataset.[5] These are annual measures combined from multiple sources that are on a 100-point scale, with higher numbers representing more liberal states. Price and Riccucci (2005) theorize that ideology would be a strong driver in SPP because conservatives tend to favor the market principles underlying prison privatization while liberals oppose corporate control in corrections (Jing 2007; Kim and Price 2014). Additionally, multiple diffusion studies have relied on political ideology (see e.g., Boushey 2010, 2012; Shipan and Volden 2006; Sylvester and Haider-Markel 2015) since it is a broadly established predictor of state public policy adoptions.

Next, we rely on a measure that gauges yearly *union strength* by states. While studies often find that union presence does not exhibit a strong influence on SPP (Austin and Coventry 2001; Jacobs 1983; Jing 2007; Logan 1990; Nicholson-Crotty 2004), we feel that it is an important measure to gauge the likely resistance to prison privatization in those states with strong labor relations laws, because they may be more likely to influence the decision to privatize (Price and Riccucci 2005). For example, Chandler and Feuille (1991) found that union strength decreased the likelihood of cities privatizing public works. For this, we rely on yearly union density measures from the Hirsch, Macpherson, and Vroman (2001) dataset, which has been used in previous prison privatization studies (see e.g., Kim and Price 2014). This measure represents the percentage of the workforce that is covered by a collective bargaining agreement, including public sector workers. This figure excludes agricultural and hourly wage workers.

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[5] We considered other measures of ideology including the Shor and McCarty (2011) but the ideology scores only go back to 1993.

Next, we include a dichotomous variable indicating whether a state has an existing legislative term limit. These data were obtained from Boehmke and Skinner's (2012) state innovativeness dataset. States with term limits and relatively high levels of turnover are arguably more susceptible to special interest lobbying from more established and continually present voices in state capitals, such as those representing private prison interests. Moreover, legislators nearing the end of their term limits might be more inclined to take political and administrative risks like establishing prison privatization arrangements.

Finally, we include a measure of state legislative professionalism that originates from Squire (2007). It has been found that less professionalized legislators are more likely to model legislation that has been created within more professional settings (Jansa, Hansen, and Gray 2018). This is a measure that combines multiple factors, including member pay, the total number of days in session, and the number of staff per member relative to Congress. These data are available only in select years. Presumably, those members of the legislature that are more professional may have more professional resources or contract management expertise to consider more complex policies and contracting arrangements such as SPP.

Economic and Demographic Factors

While political considerations may help explain prison privatization, recent research finds that "prison privatization is largely influenced by organizational economics" (Kim and Price 2014, 259), or to broadly dampen spending on corrections (Schartmueller 2014). Economic factors also have been found to influence both the privatization of public services and policy diffusion processes. For example, states experiencing budget shortfalls can find it more difficult to maintain full public control over corrections management within a state (Kim and Price 2014). Thus we include a direct measure of state *revenue*. Presumably, those states with lower revenue may be more likely to seek administrative alternatives that involve privatization strategies, with an eye toward load shedding, cost savings, and economic efficiency. These data are available from the U.S. Census Bureau. To measure *revenue*, we take the total amount of logged amount of total revenue collected by state.

In this article, we also examine a state's *population density*. Population size has long been established as a factor in policy diffusion (Berry and Berry 1990; Bouché and Volden 2011), because smaller as opposed to larger states may exhibit differing adoption behaviors. For SPP, larger states may exhibit a greater capacity and expertise for administrative contracting and higher demand for prisoners, especially those states with high population density.[6] Additionally,

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[6] In this study, we also ran models including an actual population and urban population measure, and minimal discrepancies were found. We went with population density because this measure would likely be the best way to conceive of a state's necessity for corrections management reform or the expansion of prisons.

Figure 1.
Theoretical Model Driving SPP Adoption
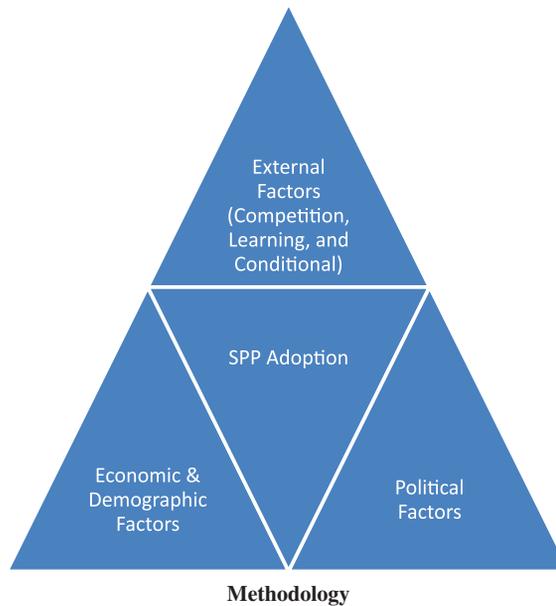
states higher in population density likely have more private firms competing for contracts. For population density, we gather yearly census measures of a state's population and divide the value by a state's square mileage.[7] Finally, we examine a state's level of *violent crime*. States with higher crime and more incarceration exert greater stress on the prison system, and thus a greater need to welcome alternative contracting arrangements.

Figure 1 represents the theoretical model we devised for this article. The center represents SPP adoption. The top represents the external forces driving adoption, or the diffusion effect. The bottom left are the economic and demographic factors while the bottom right represents the political factors. These are the factors we hypothesize will drive SPP adoption.

Methodology

Diffusion scholars typically rely on a neighboring dimension to capture diffusion processes (Berry and Berry 2014), or more specifically, the impact of a home state's border-sharing neighbors on the adoption of a policy innovation (see e.g., Berry and Berry 1990; Mooney 2001; Sylvester and Haider-Markel 2015),

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[7] We did not find yearly population density already calculated, so we relied on state population/square miles.

especially when engaging the economic competition mechanism with rival jurisdictions, or when examining policy learning (Shipan and Volden 2008). Thus to model diffusion through competition, we follow the lead of Bouché and Volden (2011) by measuring neighboring privatization as the total percentage of a state's neighbors that have adopted prison privatization-enabling legislation in previous years.[8] This measure will be used to test our economic competition hypothesis. However, mechanisms can be difficult to distinguish between one another (Maggetti and Gilardi 2016), there is the potential for pro-innovation bias (Karch *et al.* 2016) in geographic contiguity bound diffusion research, and multiple mechanisms can occur simultaneously (Shipan and Volden 2008). For example, while we contend that economic competition is potentially driving SPP patterns among states, we cannot rule out that learning processes are not simultaneously occurring. Specifically, a state may adopt after learning from ideological partners or from the administrative successes and failures of neighboring states, rather than for purely competitive reasons. Thus we rely on an additional measure, *adoption among the most similar ideological neighbor*, which has also been used in recent policy diffusion research (e.g., Grossback, Nicholson-Crotty, and Peterson 2004; Sylvester and Haider-Markel 2015). Specifically, policy makers will be more likely to learn from or act competitively with their most ideologically similar neighbor as opposed to competing with each neighboring state equally. For example, Michigan might be more likely to adopt SPP legislation if Ohio adopts (as opposed to Indiana or Minnesota adopting) due to learning processes from shared ideological stakeholders and policy networks. This is a dichotomous measure, which is coded as 1 if a state's most ideologically similar neighbor has adopted SPP legislation, and 0 otherwise. Government ideology is determined by the Berry and others (1998) measure discussed previously. We also examined the simultaneous effect of both of these variables, so we include a model estimation with both the economic competition and the ideological learning effects included together.

Finally, to examine our conditional political hypotheses, we rely on two interaction variables. First, we interact the proportion of previously adopting neighbors to party control (whether the Democratic Party controls the state legislature or whether the government is divided or controlled by the Grand Old Party [GOP]). Additionally, we interact citizen ideology with the proportion of previously adopting neighboring states. With these variables, we test whether the neighboring competitive influence on SPP adoption is conditioned by a state's partisan and ideological orientations. Past research has measured conditional

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[8] For example, Wisconsin, Indiana, Kentucky, Missouri and Iowa border Illinois. Hypothetically, if Wisconsin, Indiana, and Kentucky adopted prison privatization-enabling legislation in 1992, 1996, and 1997, respectively, then for the year 1998, the neighbor variable would be coded as .6 for Illinois, which is the ratio of 3/5. If the year were 1996, then the value for Illinois would be coded as .2, since there was only one prior adoption to 1992.

diffusion as external mechanisms being conditioned on internal factors within a state (Shipan and Volden 2008).

Modeling SPP Diffusion

For our dependent variable, we rely on a standard dichotomous variable which indicates the year SPP enabling legislation was adopted. This article utilized multiple sources to gather these SPP policy data, including the foundational Hanson (1991) article, the now defunct Criminal Justice Research Center at the University of Florida which was used in the early Nicholson-Crotty (2004) article,[9] as well as an in-depth researching of individual legislation.[10] In Delaware, Connecticut, Washington, New Jersey, Rhode Island, Vermont, Washington, and South Dakota there is neither permissive nor propitiatory language involving prison privatization, so data were more difficult to obtain (Hanson 1991). Therefore, out of these states, if we did not find enabling legislation, these states were left as nonadopting in the dataset.

We rely on an event history analysis (EHA), since policy adoption is most often a nonrepeat event (see e.g., Berry and Berry 1990; Mooney 2001). EHA uses a binary dependent variable, which takes the form of 0 each year prior to adoption, and 1 for the year the policy is adopted. After the adopting year, the state drops out of the sample due to the nature of event history. This model is appropriate when data calls on this type of distribution and EHA has been used repeatedly in diffusion studies (see e.g., Berry and Berry 1990; Butz, Fix, and Mitchell 2015; Mooney 2001; Sylvester and Haider-Markel 2015). First, we tested our data to assure that it does not violate the proportional hazards assumptions. We tested the proportional hazards assumption using the Grambsch and Therneau (1994) algorithm using the Schoenfeld residuals. Global violations were insignificant ($\alpha > \chi^2 = .27$). However, our election returns variable and government ideology variable did not pass the covariate violation tests ($\alpha > \chi^2 = .02$ and $.04$, respectively). We ran additional models excluding these variables, ran these as time varying covariates, and did not observe any glaring weaknesses with our model.[11] Given that these covariates have been used previously in prison privatization and diffusion studies, we still included them in our models (for an explanation of the proportionality assumption and diagnostic

[9] The University of Florida's criminal justice research center was led by Charles Thomas who did extensive early research into prison privatization. These data were available at: web.crim.ufl.edu

[10] There were some conflicts in identifying adoption years between multiple sources, so we researched individual statutes and identified the first year that a law was passed that allowed states to contract their prison services with private sector providers.

[11] We also tested the proportionality assumption using the link test (hat $\alpha = .396$, hat2 $\alpha = .528$) and by graphing the Kaplan-Meier curves and did not find any violations of the proportion hazards assumptions. We also included a count variable model for years and the results did not change much.

tests, see Box-Steffensmeier and Zorn 2001).[12] Thus we run the Cox proportional hazards model for this article.

Finally, to further assess the influence of ALEC's model legislation, we did a one group interrupted time series. This will assess whether or not more legislation was passed after the 1995 ALEC model legislation than in previous years. For this, the dependent variable was the cumulative number of adoptions, with the cut point set at 1995.

Results

The first adoption was in 1979 when the state of Indiana adopted SPP enabling legislation.[13] Maine adopted similar legislation in 1980, followed by Maryland and Tennessee in the early 1980s (Hanson 1991). Then, after several years in the late 1980s and especially throughout the 1990s, there was an explosion in SPP adoptions, followed by a period of leveling and slowing into the early 2000s and finally tapering off in the late 2000s. Figure 2 illustrates the rate of cumulative adoption over time, which generally appears to follow the traditional s-shape diffusion curve, with adoption patterns that appear to be "more gradual" and less steep than other policies (Rogers 2010, 23).[14] Some states were early SPP innovators then others eventually followed, many during a period of relatively rapid policy spread, but without the immediately accelerated adoption patterns observed for morality policies, such as death penalty (Mooney and Lee 1999), stand-your-ground policies (Butz, Fix, and Mitchell 2015), and same-sex marriage bans (Haider-Markel 2001). SPP is arguably more intricate functional policy that requires some period of contract preparation, administrative adjustment and various managerial complications, and thus does not follow the consistently rapid diffusion of relatively straightforward first-principles morality policies. This overall SPP pattern observed here likely illustrates the broad push toward administrative privatization during the Reagan and especially the Clinton Administrations.

The precipitous increase in SPP beginning in 1995 could also be partly attributed to ALEC's introduction of model SPP legislation during that specific year,[15] albeit we admittedly lack definitive empirical evidence on the potential

[12] Each of these were insignificant on all primary models, but party control was significant when interacted with proportion. Given the theoretical concerns for excluding them given previous studies, we decided to include them.

[13] Indiana Corrections Code 11-8-3-1 states that the "department may contract with any state, county, state, or federal authority, or with other public or privatize organizations, for the custody, care, confinement, or treatment of committed persons." Available at https://codes.findlaw.com/in/title-11-corrections/in-code-sect-11-8-3-1.html

[14] Rogers (2010, 22-3) defines adopter categories as innovators, early adopters, early majority, late majority, and laggards.

[15] The specific piece of model legislation ALEC produced was entitled, "The Private Correctional Facilities Act." This report is available at the Center for Media and Democracy at https://www.alecexposed.org/wiki/Private_Correctional_Facilities_Act_Exposed

Figure 2.
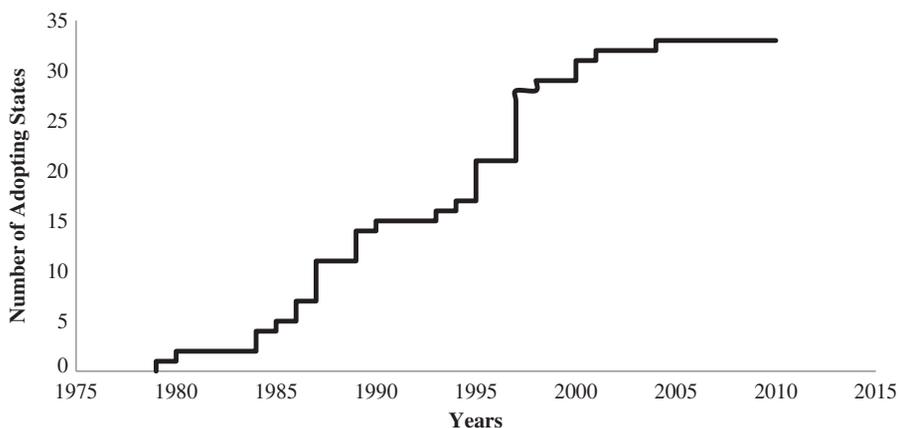**Cumulative SPP Adoption over Time, 1979-2010**

Table 1. Interrupted Time Series on SPP Legislation Adoption before and after 1995

	Coefficient	Newey-West SE	p-Value
Time	.0295	.0003	.000
Interruption	4.243	.2951	.000
After interrupting	.022	.0015	.000
Constant	−2.19	.1394	.000

Notes: N = 944; f (10,906); p > f .000.

role of advocacy groups, such as ALEC, in the adoption process. However, ALEC has been found to exhibit substantial influence over public policy (Anderson and Donchik 2014), and we believe that is likely the case with SPP adoption as well. After a period of rapid adoption in the 1990s and early 2000s, SPP has seemingly tapered off in recent years. This could be due to the increasingly controversial nature of prison privatization, and continued engagement of racial justice and civil rights opposition to carceral privatization efforts. Indeed, the U.S. Department of Justice recently announced that it is eliminating contracting arrangements with private prison providers, primarily due to them being less effective than the Federal Bureau of Prisons institutions (Office of the Inspector General 2016). While SPP enjoyed decades of relative popularity in state legislatures, recent evidence suggests that privatization efforts have slowed or even reversed to some degree; a trend that could continue in future decades.

According to Table 1, SPP adoption increased by .029 every year prior to the cut point of 1995. In the first year of the intervention, there was a 4.24 increase in SPP adoptions followed by an increase in the overall trends of adoptions by .02. According to Figure 3, there does appear to be a significant increase

Figure 3.
Interrupted Time Series of ALEC Model Legislation and SPP Adoption
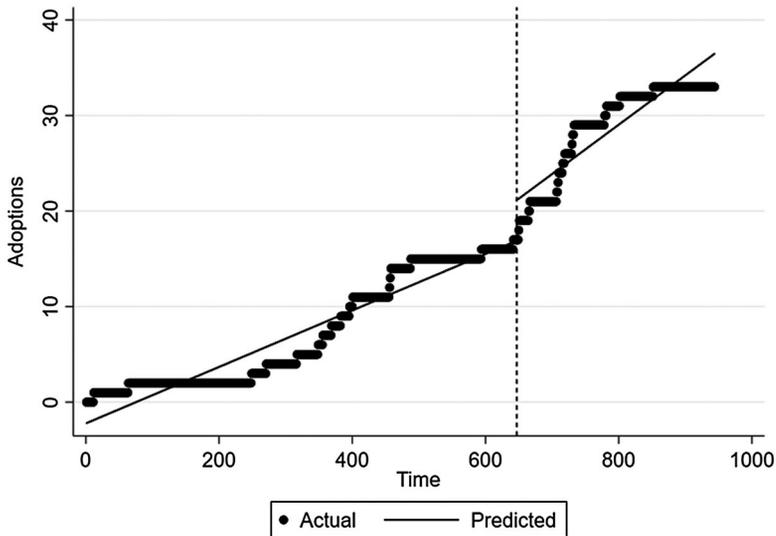
in adoptions after ALEC's model legislation, meaning ALEC likely exhibited a significant independent influence on SPP adoptions during this time period.

Table 2 summarizes the variables in this article while Table 3 shows the descriptive statistics for each variable. These statistics include the mean, standard deviation, minimum, and maximum of each variable. We ran a correlation matrix of our variables to demonstrate that there is minimal correlation among our covariates (see the Appendix).[16]

Table 4 represents our Cox proportional hazards analyses results for our baseline competition model, while Table 5 represents our baseline ideologically similar neighbor model. The variable proportion reflects competition (Table 4) and most ideologically similar neighbor (Table 5). The hazard ratios are reported for purposes of interpretation.[17]

According to Table 4 in our diffusion model, the proportion of neighboring adoptions variable is statistically and substantively significant (p = .061).

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[16] We also ran Pearson's *r* correlations on our variables to examine the potential for multicollinearity, and the highest correlations were between ideological neighbor and the economic competition variable ($r = .79$), inequality and competition ($r = .50$), population density and citizen ideology ($r = .55$), and inequality and ALEC membership ($r = .53$). The rest of the variables had much lower *r*-values, thus, we did not find that there was much collinearity between our covariates. However, since our main variable of interest is the proportion of a state's neighbors that had adopted SPP-enabling legislation, we ran an additional model excluding election year and our results remain virtually unchanged.

[17] We also ran a model including our proportion of neighbors' measure and the ideological similar variable was still insignificant.

Table 2. Variables Used in this Article

Diffusion measures

Neighbor proportion	The total percentage of a state's neighbors that have adopted SPP legislation in previous years
Ideological neighbor	1 = if a state's most ideologically similar neighbor has adopted SPP legislation and 0 otherwise

Conditional diffusion

Proportion × party control	Proportion multiplied by party control
Proportion × citizen ideology	Proportion multiplied by citizen ideology

Hypothesized internal

ALEC	The total number of members serving in the state house or state senate that are ALEC members
Inequality	Atkinson index logged, which measures the amount of wealth inequality within the state

Political factors

Union density	% of the state's population covered by collective bargaining
Party control	1 = GOP control the state legislature or there is divided government, 1 = Democratic control
Citizen ideology	Index measure, 0 being most conservative to 100 being liberal
Term limit	0 if a legislative term limit does not exist, 1 if it does
Leg. professionalism	Including member pay, days in session, and the number of staff per member

Economic and demographic

Violent crime	Violent crime rate per 100,000 residents
Population density	Census measures of a state's population and divide the value by a state's square mileage
Revenue	Direct measure of state revenue logged

Examining the baseline neighboring SPP adoption variable in Table 4, we observe that as the proportion of a state's neighbors' increases by 1 percent, the risk of adopting SPP increases by over three times (3.8). Figure 4 shows the relative hazard rate by the neighbor proportion variable.

The *x*-axis is the proportion of a state's neighbors that have adopted SPP-enabling legislation at different proportions, ranging from 0 or no adopting neighbors to 1, where all neighbors have adopted. The *y*-axis is the relative hazard rate, which can be conceived as the risk for adopting at different values of the proportion of adopting neighbors' variable (*x*-axis). This suggests that the risk of adoption increases exponentially as a state's proportion of neighbors adopting SPP legislation increases. This novel finding suggests that states are likely responding to neighboring economic signaling concerning cost savings

Table 3. Descriptive Statistics for Independent and Dependent Variables

Variable	N	Mean	STD	Min	Max
Neighbor proportion	943	.267569	.313647	0	1
Ideological neighbor	943	.253446	.435215	0	1
Union density	943	18.02757	6.879268	3.6	39.9
Party control	943	1.780488	.414136	1	2
Citizen ideology	943	49.55999	15.91294	9.750625	95.97
Violent crime	943	450.4727	235.0084	47	1,244.3
Population density	943	164.303	218.3046	4.637323	1,009.26
ALEC	943	2.515376	3.15009	0	19
Leg. professionalism	943	.200047	.100743	.034	.57
Term limits	943	.598091	.490544	0	1
Inequality	943	−1.4897	.160863	−1.787342	−1.01
Revenue	943	2.638356	.227904	1.715166	3.345

Table 4. Cox Proportional Hazards Model of SPP Diffusion, 1979-2010

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	3.810515	2.724263	.061
Union density	.981608	.039143	.642
Party control	.620705	.264159	.262
Citizen ideology	1.004083	.017091	.811
Crime	.998877	.001009	.266
Pop. density	.997796	.001347	.102
ALEC	1.170698	.08652	.033
Legislative professionalism	8.441342	16.67447	.28
Term limit	1.367477	.575759	.457
Inequality	145.4135	297.2848	.015
Revenue	.644194	.568151	.618
N	943		
Log Likl.	−107.9		
p (Chi2)	.07		

Notes: Dependent variable is a binary sequence (0 = prior to adoption, 1 = year policy was adopted). Cox proportional hazards model. Hazard ratios reported. Cox proportional hazards assumptions tested for each variable; results not reported. Standard errors are clustered by state.

and efficiency advantages in corrections management when neighboring states adopt SPP.

Turning to our primary internal state-centric variables of interest, wealth inequality, and ALEC membership are both statistically significant with

Table 5. Cox Proportional Hazards Model of SPP Diffusion, 1979-2010

Variables	Hazard Ratio	Std. Err.	p-Value
Ideological neighbor	1.161736	.459803	.705
Union density	.975254	.0367343	.506
Party control	.589199	.2390116	.192
Citizen ideology	1.002368	.0167842	.888
Crime	.999186	.0009575	.395
Pop. density	.998138	.0012575	.139
ALEC	1.181101	.094296	.037
Legislative professionalism	5.216537	9.152125	.346
Term limit	1.522937	.671371	.34
Inequality	48.13582	90.88529	.04
Revenue	.758893	.6965232	.764
N	943		
Log Likl.	−109.3		
p (Chi2)	.07		

Notes: Dependent variable is a binary sequence (0 = prior to adoption, 1 = year policy was adopted). Cox Proportional Hazards model. Hazard ratios reported. Cox Proportional Hazards assumptions tested for each variable; results not reported. Standard errors are clustered by state.

Figure 4.
Survival Function Graph of SPP Adoption at Differing Neighboring Proportions
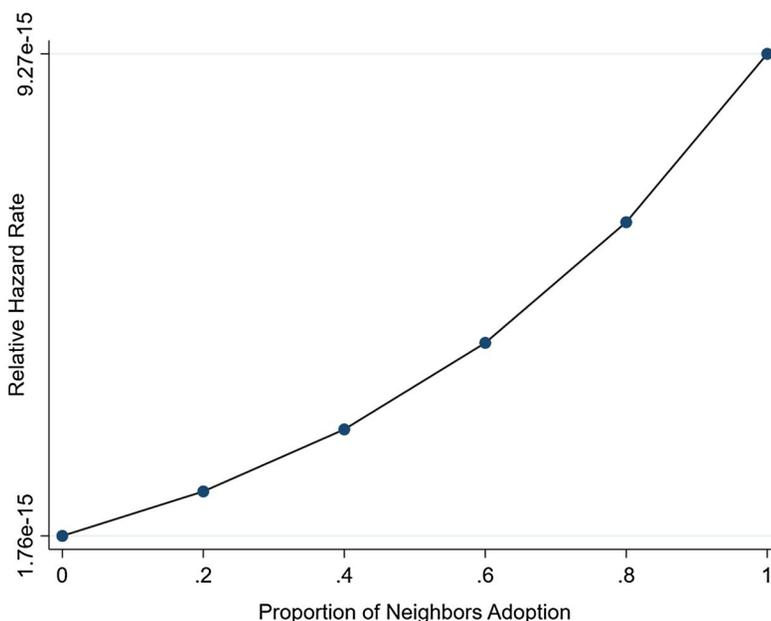
coefficients in theoretically expected directions. A one-unit increase in logged wealth inequality corresponds to a substantial increased risk of SPP adoption. This suggests that the likelihood of SPP adoption increases with wealth inequality and that a yawning gap between rich and poor partially accounts for state privatization efforts in incarceration among several other service areas. Next, for each additional ALEC member, there is a 17 percent increase in risk of SPP adoption. Similar to other state policy and network research, this article finds that ALEC exerts an independent and sizeable effect on the adoption of conservative legislative goals like prison privatization.

Turning briefly to the ideological learning diffusion model (Table 5), the results diverge from the significant neighboring proportion effect observed above. For this model, our most ideologically similar neighbor variable fails to achieve statistically significance. This null finding suggests that states are not necessarily looking toward sympathetic ideological partners when adopting SPP, but are instead likely responding to general economic competition felt broadly across all neighboring jurisdictions, irrespective of neighboring ideological proclivities. This might be occurring because SPP is ultimately a matter of degree and magnitude, not merely initial enabling legislation. States concerned with neighbors gaining economic efficiency advantages through privatizing corrections management can pass SPP enabling legislation without necessarily privatizing most prison services. For instance, during the year 2014, the average state only had roughly 5-7 percent of state prison population housed within private correctional facilities (Guerino, Harrison, and Sabol 2011). States might very well be responding to neighboring competitive pressures and concerns about losing gains in administrative efficiency and cost savings, thus enabling SPP adoption when neighbors adopt, yet they still might also retain public control over significant portions of day-to-day corrections management.

Table 6 displays the joint ideological neighbor and economic competition model. According to these results, neighboring economic competition remains statistically significant while our ideological neighbor variable does not. This suggests that economic competition may better explain the SPP diffusion process than responsiveness to specific ideological considerations or learning mechanisms among their neighbors. Of note, levels of ALEC membership and wealth inequality both remain statistically significant.

Table 7 reports the interaction between party control of state legislatures and the proportion of neighboring adopters. More specifically, it shows how the neighboring proportion effect in terms of predicted hazard rate changes from a Republican or divided government to a democratically controlled state legislature. According to Table 7, our interaction term is significant (p = .097) and negative as expected, indicating a reduced likelihood of adoption as the proportion of neighboring adopters increases. Looking at Figure 5, which provides a graphic of the interaction, as party control moves from Republican or divided government to Democratic control, the risk of adopting SPP decreases

Table 6. Cox Proportional Hazards Model of SPP Diffusion with Neighboring Proportion and Ideological Neighbor Variables, 1979-2010

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	6.035386	5.249752	.039
Ideological neighbor	.6344635	.326344	.376
Union density	.9852062	.04021	.715
Party control	.650206	.283727	.324
Citizen ideology	1.002257	.017998	.9
Crime	.9989873	.001013	.318
Pop. density	.9978414	.00137	.115
ALEC	1.165991	.086475	.038
Legislative professionalism	8.115846	15.08685	.26
Term limit	1.381349	.586558	.447
Inequality	153.6576	317.6875	.015
Revenue	.7598349	.729879	.775
N	943		
Log Likl.	−107.5		
p (Chi2)	.08		

Table 7. Cox Proportional Hazards Ideological Interaction Model of SPP Diffusion, 1979-2010

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	117.438	250.0784	.025
Party control	1.479771	1.225306	.636
Proportion × party control	.126223	.1572996	.097
Union density	.9797345	.0390411	.607
Citizen ideology	1.000888	.0168106	.958
Crime	.9990983	.0009999	.367
Population density	.9981519	.0013149	.16
ALEC	1.191286	.0909955	.022
Legislative professionalism	5.687369	11.69852	.398
Term limit	1.378636	.605856	.465
Inequality	69.12931	142.1492	.039
Revenue	.7624965	.7031345	.769
N	943		
Log Likl.	−106.6		
p (Chi2)	.01		

Figure 5.
Marginal Effects of the Proportion of Neighboring Adopters and Partisan Legislative
Control on the Adoption of SPP Legislation

Conditional Marginal Effects of Proportion
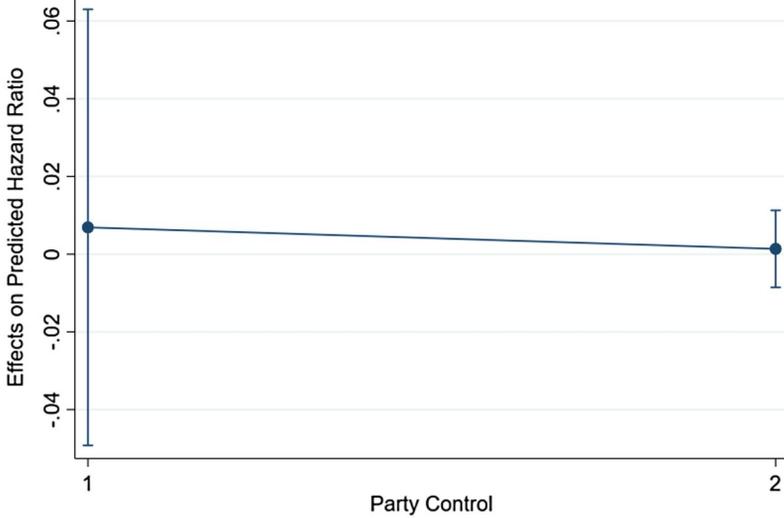
slightly. That is, democratically controlled state legislatures are less likely to respond to the SPP adoption of their neighbors.

Table 8 shows a similarly statistically significant interaction between citizen ideology and the proportion of neighboring adopters ($p = .033$).

As a state's ideological composition becomes more liberal, the proportion of neighboring adopters decreases a state's risk of adoption. This suggests that states with more liberal citizenries are less likely to adopt SPP even as neighbors adopt these privatized arrangements. Conversely, relatively conservative states may be more likely to respond to neighboring SPP adoptions. Partisan control of the state legislature slightly conditions the relationship between neighboring competitiveness and SPP adoption; whereas, the ideological orientation of the citizenry seemingly shapes the relationship between neighboring adopters and home state SPP adoption to a greater degree (see Figure 6). Even as competitive pressures loom from neighboring adopters, policy makers in relatively liberal electoral environments remain hesitant to adopt their own privatized arrangements. However, the relative risk in hazard rate changes only slightly, so the impact is seemingly not overly substantial in the policy process.

Discussion and Conclusion

While the merits of privatization have long been praised or criticized, questions regarding its effectiveness have overshadowed questions regarding the

Table 8. Cox Proportional Hazards Ideological Interaction Model of SPP Diffusion, 1979-2010

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	342.3043	739.5227	.007
Citizen ideology	1.035038	.024195	.141
Proportion × citizen ideology	.906416	.041787	.033
Union density	.993739	.038281	.870
Party control	.552557	.24948	.189
Crime	.99902	.001062	.356
Population density	.997459	.001362	.062
ALEC	1.186237	.096412	.036
Legislative professionalism	10.61851	22.47606	.264
Term limit	1.536364	.703063	.348
Inequality	93.67069	205.5289	.039
Revenue	.536522	.516066	.517
N	943		
Log Likl.	−105.9		
p (Chi2)	.01		

Figure 6.
Marginal Effects of the Proportion of Neighboring Adopters and Citizen Ideology on the Adoption of SPP Legislation
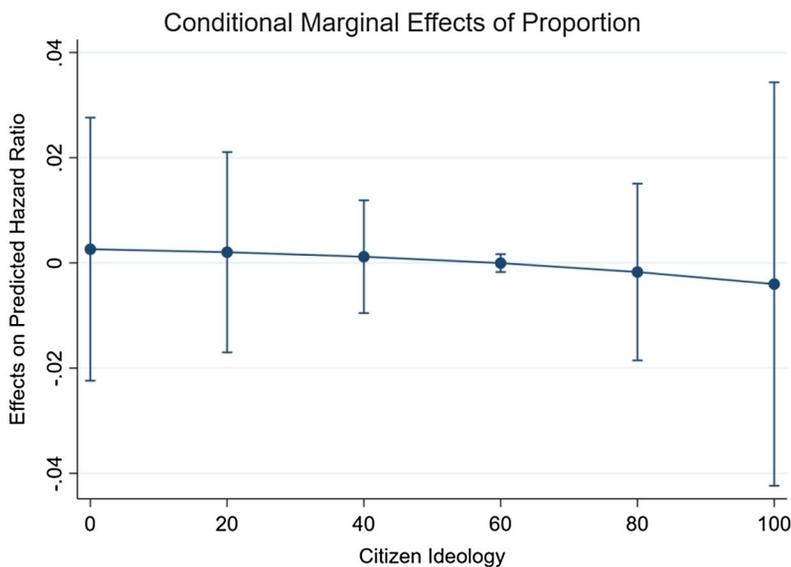
underlying reasons states privatize services initially. Therefore, in this article, we examined the adoption of prison privatization enabling legislation in the U.S. states from 1979 to 2010. Unlike previous prison privatization studies, we account for external factors driving adoption, account for conditional political factors influencing adoption, and account for the full length of time that SPP legislation has been adopted in the United States. Employing a policy diffusion methodological and empirical framework, we find that that neighboring economic competition likely motivates as the primary external force behind home state SPP adoption. Furthermore, this economic competition effect is conditioned by the ideological orientation of the respective state. This is not surprising given that politics have been found to influence SPP decisions. States exuding higher levels of mass conservatism are more amendable to SPP arrangements and are more likely to "favor neoliberal economic policies" (Jing 2010, 268). We also find that the competitive influence of neighboring SPP adoption on home state adoption is dampened significantly in relatively liberal state contexts, suggesting that a state's political orientation moderates the relationship between neighboring SPP adoptions and likelihood of home state adoption. Specifically, if the Democratic Party controls both legislative chambers then a state is less likely to respond to neighboring SPP adoptions. Furthermore, the ideology of the state's citizenry makes adoption less likely moving from conservative to liberal. This is likely due to liberal states being more resistant in competitive environments when the policy promotes the free market and administrative privatization. In the context of Great Britain, it was found that public opinion was shaped by ideological and levels of individualism; specifically, those affiliated with the Conservative Party (Durant and Legge 2001).

Additionally, we also depart from previous studies by examining the role of ALEC and wealth inequality in SPP enabling legislation. We find evidence that both variables exhibited an influence on SPP adoption during the time period examined here, which highlights the need for future studies to investigate these two variables with closer scrutiny. There is a nontrivial chance that ALEC exhibits significant influence on the adoption of SPP legislation at the state-level, which raises many questions regarding the nature of the policy process and Democratic accountability. However, given that the descriptive statistics revealed that there are only an average of 2.5 ALEC members a year, their causal impact may be questionable. Future studies are needed to verify the influence of ALEC and better—more reliable and valid—measures need to be developed. Additionally, we found that areas where there is greater wealth inequality more likely to adopt SPP legislation. This likely stems from the policy elites being able to strategically ally themselves with corporate leaders and create an environment conducive to administrative privatization. Put another way, our article suggests that alongside external competitive mechanisms, SPP policy making in the U.S. states is structured around relatively cloistered "iron triangles" comprised of elite interests and advocacy organizations like ALEC.

Despite the importance of these findings, this article did have limitations. First, given that SPP adoptions went back to 1979, some pertinent control measures were unavailable that would likely have an impact, mainly prison specific measures related to prison overcrowding and corrections spending that were unavailable. Second, we believe that advocacy groups or think tanks such as ALEC likely exhibited a direct influence on SPP adoption, especially since the mid-1990s. However, these constructs were difficult to measure over time and we feel that future studies should analyze the link between model legislation created by advocacy groups, such as those currently existing among states. Network analysis may be one future way to approach this question. Finally, modeling diffusion through geographic contiguity or attempting to distinguish between causal mechanisms is an arduous affair, and subject to multiple calibration and measurement techniques, therefore, we encourage future studies to explore economic competition, learning, and imitation using different model specifications and novel methodological approaches.

APPENDIX

Table A1. Correlation of Variables

	Proportion	IdeoNei	Union	Control	CitIdeo	Crime	Density	ALEC	Prof	Limits	Ineq	Rev
Proportion	1											
IdeoNeigh	.7957	1										
Union	-.3502	.2021	1									
Party	.061	.1618	.1532	1								
CitIdeo	.0853	.1401	.3088	.2469	1							
Crime	.0671	.0964	.1037	.2784	.0247	1						
Density	.06	.1008	.2523	.1877	.5508	.1999	1					
ALEC	.3863	.3762	-.2078	.086	.0789	.0454	.0419	1				
Leg Prof.	-.1493	-.0833	.3887	.1958	.2413	.5295	.2603	.0194	1			
Term limits	.3649	.2738	-.242	.1401	-.1899	.139	.0499	.0408	.1625	1		
Inequality	.5029	.428	-.2673	.0884	.3279	.2252	.3495	.5262	.0817	.1687	1	
Revenue	.2602	.2358	-.0329	-.0019	.1747	-.2113	-.1078	.0403	-.2346	-.0014	.0934	1

Table A2 Additional Models

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	3.795754	2.716277	.062
Union density	.9831752	.0398423	.675
Party control	.6125816	.2631155	.254
Citizen ideology	1.007739	.0233499	.739
ALEC	1.258453	.3532362	.413
Citizen ideology × ALEC	.9984691	.0054475	.779
Crime	.9988622	.0010215	.266
Population density	.9977699	.0013592	.101
Legislative professionalism	8.678059	17.45449	.283
Term limit	1.364675	.5658159	.453
Inequality	147.4304	301.2086	.015
Revenue	.6255369	.5789151	.612
N	943		
Log Likl.	−107.8		
p (Chi2)	.09		

Table A3 Additional Models

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	3.610924	2.509174	.065
Union density	.985013	.0377864	.694
Party control	.622799	.2670289	.269
Citizen ideology	1.003161	.017087	.853
Inequality	473.8047	1,422.589	.040
ALEC	.703155	.5276205	.639
Inequality × ALEC	.69477	.3708058	.495
Crime	.998868	.0009893	.253
Population density	.997795	.0013358	.099
Legislative professionalism	7.75152	14.82187	.284
Term limit	1.386454	.5810807	.436
Revenue	.644746	.5700484	.620
N	943		
Log Likl.	−107.7		
p (Chi2)	.07		

Table A4 Additional Models

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	3.760234	2.696343	.065
Union density	.9803304	.0393807	.621
Party control	.7365235	.4432979	.611
Citizen ideology	1.004591	.016951	.786
Crime	.9989609	.0010428	.319
Population density	.9976627	.0014224	.101
ALEC	1.231062	.1407135	.069
Party control × ALEC	.9331877	.1305461	.621
Legislative professionalism	8.689971	17.63314	.287
Term limit	1.371181	.5822553	.457
Inequality	132.4722	270.9069	.017
Revenue	.584015	.5500925	.568
N	943		
Log Likl.	−107.7		
p (Chi2)	.06		

Table A5 Additional Models

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	2.964717	2.449208	.188
ALEC	1.098701	.1555459	.506
Proportion × ALEC	1.110881	.2153657	.588
Union density	.9855908	.0417736	.732
Party control	.6395817	.2745968	.298
Citizen ideology	1.002387	.0182039	.896
Crime	.9987308	.0011508	.270
Population density	.9978168	.0013328	.102
Legislative professionalism	10.92322	22.67105	.249
Term limit	1.344746	.5597331	.477
Inequality	182.1927	380.8547	.013
Revenue	.6220172	.568141	.603
N	943		
Log Likl.	−107.7		
p (Chi2)	.06		

Table A6. Additional Models

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	3.092243	2.153228	.105
Union density	.988268	.040366	.773
Party control	.6527172	.302188	.357
Citizen ideology	1.006864	.01608	.668
Crime	.9988936	.001074	.303
Population density	.9978439	.001453	.138
ALEC	.7497261	.280781	.442
Republican	.9831014	.047898	.726
ALEC × republican	1.016205	.013652	.231
Legislative professionalism	8.767289	18.58033	.306
Term limit	1.396078	.59872	.437
Inequality	92.28915	183.6689	.023
Revenue	.5069733	.537899	.522
N	943		
Log Likl.	−106.9		
p (Chi2)	.07		

Table A7. Additional Models

Variables	Hazard Ratio	Std. Err.	p-Value
Proportion	3.610924	2.509174	.065
Union density	.9850133	.0377864	.694
Party control	.622799	.2670289	.269
Citizen ideology	1.003161	.017087	.853
Crime	.9988675	.0009893	.253
Population density	.9977951	.0013358	.099
ALEC	.7031546	.5276205	.639
Inequality	473.8047	1422.589	.040
ALEC × inequality	.6947696	.3708058	.495
Legislative professionalism	7.75152	14.82187	.284
Term limit	1.386454	.5810807	.436
Revenue	.6447459	.5700484	.620
N	943		
Log Likl.	−107.7		
p (Chi2)	.07		

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