Private Prisons

Private prisons for adults were virtually non-existent until the early 1980s. Between 1990 and 2009, the number of people incarcerated in private prisons increased by approximately 1600%. Operators of private prisons play an extensive role in drafting and lobbying for the passage of laws that increase incarceration, such as “three strikes” and “truth in sentencing.”

Private prisons regularly build minimum occupancy requirements into their contracts, meaning that when crime and incarceration rates fall, the government still must pay for a set number of beds.

Similar issues emerge from the reliance on private parole management companies. A February 2014 report by Human Rights Watch on private offender services found that more than 1,000 courts in various states give power to companies with “little meaningful oversight or regulation,” sometimes only because the person must pay off fines and fees. “In some of these cases, probation companies act more like abusive debt collectors than probation officers, charging the debtors for their services.”

Finally, private prisons lack some of the oversight crucial to the operation of public prisons. Prison records are not available under the Freedom of Information Act.

Government prison regulations don’t apply, or at least are not applied, as evidenced by one warden at a CAR (immigration) prison who “denied the ACLU’s request for attorney visitation with a curt letter demanding to know why our meetings with prisoners ‘might be appropriate’ and asserting that the Bureau of Prisons’ policies allowing confidential attorney visits ‘do not apply at this facility.’

The ACLU writes, “The private prison industry helped to create the mass incarceration crisis and feeds off of this social ill. Private prisons cannot be part of the solution — economic or ethical — to the problem of mass incarceration.”

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248 http://interactive.fusion.net/shadow-prisons/
249 https://www.themarshallproject.org/2015/02/24/a-most-unsurprising-riot
Facts and Figures

As of 2011, for-profit companies are responsible for approximately 6% of people incarcerated by the states, 16% of the federal population, and, according to one report, nearly half of all immigrants detained by the federal government.252

Private prison companies charge between $50-75 per day for each immigrant, at a profit rate of 20-30% a head. From 2009-2014, the two largest prison companies (Corrections Corporation of America and GEO) have made nearly $2 billion in revenue. Bureau of Prisons funnels more money to private contractors than to facilities run by Immigration and Customs Enforcement.253 CCA, the nation's largest owner of private prisons, has seen its revenue climb by more than 500 percent in the last two decades.254 CCA is the country's fifth-largest prison operator, after the federal government, California, Texas, and Florida.255

As a single example of the “revolving door,” Harley G. Lappin served as Director of the Bureau of Prisons from 2004-2011. He is now Executive VP and Chief Corrections Officer at CCA, where he earns more than eight times his previous government salary.256

Corrections Corporation of America has spent about $7 million since 2007 successfully lobbying against legislation that would have subjected its prisons to the same federal open records obligations as BOP-operated prisons.257

A 2013 report by In the Public Interest, an anti-privatization group, reviewed 62 contracts for private prisons operating around the country at the local and state level. 41 of those contracts included occupancy requirements mandating that local or state government keep those facilities between 80 and 100 percent full.258

Sample Partner Organizations

Grassroots Leadership
ACLU

For Further Reading


253 http://interactive.fusion.net/shadow-prisons/
255 Gottschalk, p. 58
256 http://interactive.fusion.net/shadow-prisons/ Other examples available in this article.
259 http://www.bjs.gov/content/pub/pdf/pim09st.pdf