

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%.²⁴⁵

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.”²⁴⁶ 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.”²⁴⁷

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.²⁴⁸

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.’”²⁴⁹

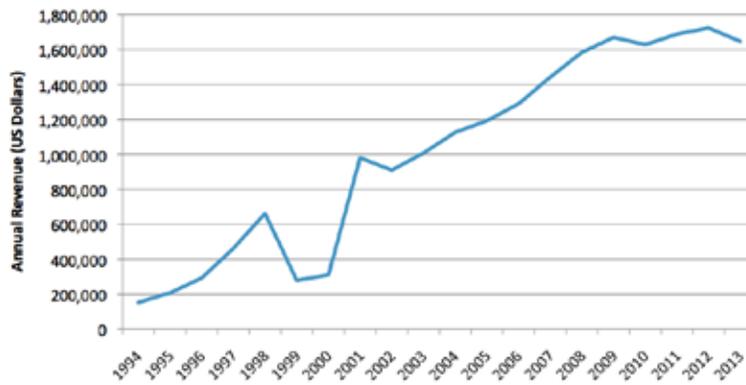
The ACLU writes, “The private prison industry helped to create the mass incarceration crisis and feeds off of this social ill. Private prisons cannot be part of the solution — economic or ethical — to the problem of mass incarceration.”²⁵⁰

Profiting from Another’s Misfortune

“How could you gaze with glee on your brother that day, on his day of calamity!...How could you enter the gates of My people on its day of disaster, gaze in glee with the others on its misfortune on its day of disaster, and lay hands on its wealth on its day of disaster!”

- Obadiah 1:12-13

Annual Revenue of Corrections Corporation of America²⁵¹



245 <https://www.aclu.org/prisoners-rights/banking-bondage-private-prisons-and-mass-incarceration>

246 <http://www.motherjones.com/mojo/2013/09/private-prisons-occupancy-quota-cca-crime>

247 <http://www.nytimes.com/2014/08/27/opinion/thomas-edsall-the-expanding-world-of-poverty-capitalism.html>

248 <http://interactive.fusion.net/shadow-prisons/>

249 <https://www.themarshallproject.org/2015/02/24/a-most-unsurprising-riot>

250 <https://www.aclu.org/prisoners-rights/banking-bondage-private-prisons-and-mass-incarceration>

251 <http://www.cca.com/investors/financial-information/annual-reports> and <http://www.getfilings.com/comp/k0001070985.html>

Facts and Figures

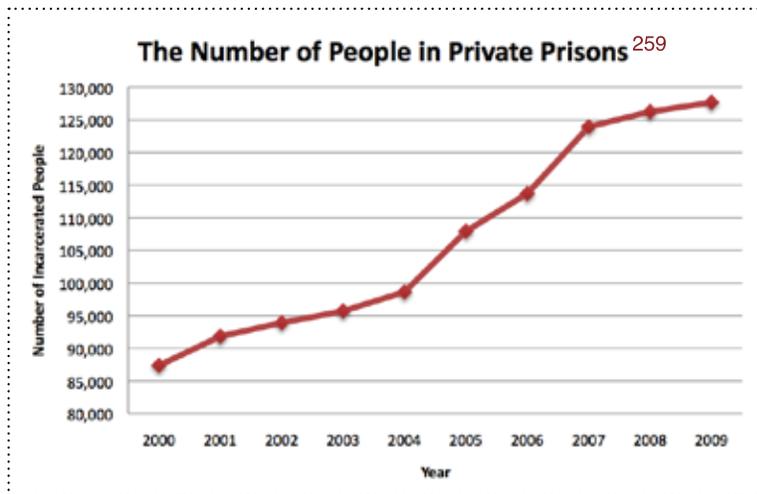
- As of 2011, for-profit companies are responsible for approximately 6% of people incarcerated by the states, 16% of the federal population, and, according to one report, nearly half of all immigrants detained by the federal government.²⁵²

- 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

Selling the Needy for a Pair of Shoes

“Thus saith the LORD: For three transgressions of Israel, Yea, for four, I will not reverse it: Because they sell the righteous for silver, And the needy for a pair of shoes.” (Amos 2:6)

Rashi: “Because they sell the righteous for silver”—Judges would sell out the innocent party in a lawsuit for bribe money that they would receive from the other party. “And the needy for a pair of shoes”—Targum Jonathan [an ancient Aramaic translation] in two places reads ‘In order to inherit,’ and I agree that this is the meaning. They would influence the sentence of a poor person so that he would have to sell the field that he owned that was amidst and surrounded by the judges’ fields. Then they would buy it from him for little money so that they could fence and padlock their own fields without a break in the middle.

Sample Partner Organizations

- Grassroots Leadership
- ACLU

For Further Reading

“Gaming the System,” a 2011 report from the Justice Policy Institute, available at http://www.justicepolicy.org/uploads/justicepolicy/documents/gaming_the_system.pdf

²⁵² <https://www.aclu.org/prisoners-rights/banking-bondage-private-prisons-and-mass-incarceration>

²⁵³ <http://interactive.fusion.net/shadow-prisons/>

²⁵⁴ <http://www.motherjones.com/mojo/2013/09/private-prisons-occupancy-quota-cca-crime>

²⁵⁵ Gottschalk, p. 58

²⁵⁶ <http://interactive.fusion.net/shadow-prisons/> Other examples available in this article.

²⁵⁷ <http://thinkprogress.org/justice/2014/06/11/3447208/how-these-prisons-for-noncitizens-compound-all-the-problems-with-us-incarceration/> For more detailed information on lobbying by private prison companies, see http://www.justicepolicy.org/uploads/justicepolicy/documents/gaming_the_system.pdf

²⁵⁸ <http://www.motherjones.com/mojo/2013/09/private-prisons-occupancy-quota-cca-crime>

²⁵⁹ <http://www.bjs.gov/content/pub/pdf/pim09st.pdf>