



## PLANK 8: Stop the privatization of justice.

The United States increasingly [outsources the criminal-legal system](#) to the private sector. Today, private companies profit enormously off people involved in the justice system. [This profiteering occurs at every stage of the criminal-legal process](#), including in bail, court fees, incarceration, video calls, food services, health care, parole, and probation supervision. The United States funds its “carceral state” through fines and fees that mainly fall on low-income people, disproportionately people of color, accused of criminal activity. **The scale of private industry’s involvement in the criminal-legal system is staggering: Few criminal-legal functions have *not*, in some way or in some jurisdiction, been commercialized by private industry.**

Companies profiting from punishment make decisions that maximize their profits, even if doing so [directly conflicts with public policy goals](#). Worse, the costs resulting from these exploitative practices are borne by society’s most marginalized: [About one in four women](#) in the United States — and nearly [one in two Black women](#) — have a family member in prison.

We must advocate to stop private companies from profiting off the backs of those involved in the criminal-legal system. We need a world in which money is going to community-based organizations that support people instead of large corporations with a financial interest in maximizing the number of people subject to the horrors of the criminal-legal system.

**About one in four  
women in the  
United States —  
and nearly one in  
two Black women  
— have a family  
member in prison.**



## Federal and State Policy Priorities

### End abusive privatization

- Support legislation and the implementation of legislation that ends the privatization of prisons and prison industries. For example, support the implementation of the Martha Wright Prison Phone Act, legislation that limits the power of prison phone corporations and prison commissary corporations. Until private facilities are eliminated, require more transparency and accountability for federal contracted private prisons.
- End all contracts with private prisons, jails, detention centers (including those housing immigrants and children), and probation corporations in both the federal and state criminal-legal systems. Review all contracts with private food, commissary, telecom, medical, and other service providers — rebidding all contracts originating more than three years ago only after exhausting all public and nonprofit options.
- Enforce the Justice Department’s initiative to end all contracts with private prisons and, because the initiative does not cover detention centers controlled by the Department of Homeland Security or the Department of Health and Human Services, expand the closure to include both.

### Overhaul contracting practices in the criminal-legal system

- All contracts granted to private vendors should prioritize quality, and the number of previous litigation challenges brought against vendors should be weighed heavily. Require all agencies to negotiate contracts based on what provides the most benefit to consumers, including currently incarcerated people, and provides services in a manner that furthers the public interest.
- Prohibit all so-called “user-funded” contracts and fund all ancillary prison and jail services using government funding. The federal, state, and local governments should fund the full cost of their criminal-legal systems, including services often outsourced to private corporations, such as electronic monitors, basic hygiene products, phone and video calls, tablets, email, and food in prison visiting rooms. Neither incarcerated people nor their families or support systems should bear the burden of these fees.

### Prevent financial exploitation in the criminal-legal system

- Neither incarcerated people nor their families or support systems should bear the burden of paying to participate in diversion, probation, pretrial services, or other programs associated with community corrections. Until these fees are eliminated, contracts with private entities in community corrections should:



- Specifically prohibit unauthorized charges to the people being served or supervised — e.g., late fees or charges for electronic monitoring or random (and unnecessary) drug tests — and require that authorized charges be reduced or waived for those who cannot afford to pay; and
- Prohibit financial penalties for nonpayment, including late charges.
- Ensure costs are just and reasonable, i.e., comparable to free market prices. Prohibit commission payments (or kickbacks) in all forms paid from vendors to all federal agencies, state agencies, and local jurisdictions that contract with private entities. End commissary mark-ups and provide commissary “at cost.”
- Eliminate other conflicts of interest that tie company profits to financial obligations shouldered by program participants, the length of time that individuals remain under supervision, or the possibility of readmission.

### Enhance transparency and accountability

- Require full transparency, including publication on the government’s official website of annual data, that includes all contracts with private corporations, itemized costs for goods or services that are provided by private corporations, and prices charged to incarcerated people or their families. Corporations that perform functions of the criminal-legal system should be subject to the same or substantially similar records requirements as government agencies.
- Clarify that consumer protection laws cover all privately provided services within the criminal-legal system.

