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Criminal Justice Issues and Prisoners' Rights

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A new report from the Sentencing Project found that the number of people incarcerated in private prisons in the United States increased 47 percent from 2000 to 2016 five times faster than the total prison population.

The United States has the worldslargest private prison population, with private prisons housing8.5 percent (128,063) of the 1.5 million people in state and federal prisons nationwide, the report says.

The federal government isthe countrys single largest user of private prisons.The Bureau of Prisons began contracting with private prison companies as the federal prison population increased by almost 800 percent between 1980 and 2013. By 2013, private prisons housed about 15 percent of the federal prison population, and in 2014 alone, the federal government spent $639 million on private facilities, in payments to three companies: Corrections Corporation of America (now Core Civic), GEO Group, and Management and Training Corp.

The Justice Department inspector general found that private prisons reported higher rates of assault, more uses of force, and more contraband thanfacilities run by BOP.

In 2016, the Justice Departmentannounced it would begin phasingout the use of private prisons, whichwere failing to provide sufficient rehabilitative services, maintain adequate security, or save taxpayers money.

The largest private prison corporations, Core Civic and GEO Group, collectively manage over half of the private prison contracts in the United States with combined revenues of $3.5 billion as of 2015, according to the Sentencing Project. Smaller companies, including Management andTraining Corporation, LCS Correctional Services, and Emerald Corrections, also hold multiple prison and detention contracts throughout the country. Private prison companies stock prices dropped 50 percent in response to DOJs announcement.

These companies contributed millions to President Trumps campaign and associated super PACs, the report states. (And it says that GEO Group changed the location of its annual meetingto the Trump National Doral Golf Club in Miami, which isreported to be the single biggest contributor to Trumpscash flow.)

In 2017,Attorney General Jeff Sessions reversedpolicies that had reduced the federal prison populationand withdrew thedirective to phase out private prison contracting. Stocks for Core Civic and GEO Group more than doubled, and while they have declined since 2017, they were substantially higher early this year than their 2016 low.In May 2017, DOJ issued a new solicitation to increase capacity in privately-run facilities for noncitizens charged with lower-level offenses, including drug and immigration offenses, andin January 2018, BOP outlined plans to increasepopulation levels in private facilities and ordered federal prisonofficials to expedite transfers to contract institutions. In addition, the federal government relies heavily on privately-run facilities for immigration detention, housing nearly three-quarters (73 percent) of all immigration detainees in private facilities on a daily basis during fiscal year 2017.

The report further found that 27 states used private prisons operated by for-profit companies and nonprofits in 2016.The number of people in state custody who were confined in private prisons grew by 31 percent, from71,845 to 94,164, between 2000 and 2016.

Concerns about safety and costs led eight states (Arkansas, Kentucky, Maine, Michigan, Nevada, North Dakota, Utah, and Wisconsin) to eliminate the use of private prisons between 2000 and 2016. In 2016, Louisiana reported its private prison population as zero for the first time.

During the same period,five states Alabama, Connecticut, Pennsylvania, South Carolina and Vermont began contracting with private prisons. Six states more than doubled the number of people in private prisons from 2000 to 2016, with the largest increase in Arizona(479 percent),followed by Indiana (296 percent), Ohio (226 percent), Florida (211 percent), Georgia (113 percent), and Tennessee (112 percent).

New Mexico had the highest proportion of its population held in private prisons in both 2000 (40 percent) and 2016 (43 percent), followed closely by Montana with a rate of 39 percent in 2016. Four additional states incarcerated 20 percentor more of their prison population in private prisons: Oklahoma (27 percent), Tennessee (26 percent), Hawaii (25 percent), and Arizona (20 percent).

The dramatic increase in the private prison population flies in the faceof mounting evidence that private prisons are less safe, do not promote rehabilitation,and do not save taxpayers money. For-profit companies maximize profits by employing mostly non-union and low-skilled workers at lower salaries and benefit levels than staff at publicly run facilities; private corrections officersearn up to $23,850 less on average in annual salary compared to the public sector. Such savings, though, risk compromising safety and security within prisons, the Sentencing Project found, pointing to studies showing that assaults in private prisons can occur at double the rate found in public facilities.

Private prisons also impair rehabilitation by frequently contracting with state governments to confine people outside their home state, which negatively affects families because it limits opportunities for visitation and strains relationships which are critical to successful reintegration after incarceration. Hawaii has long flown prisoners thousands of miles to private prisons in Arizona; California and Idaho usefor-profit prisons in Colorado, Oklahoma, and Mississippi; and Vermont, which has no private prisons, shipped people out of state to avoid building state-run prisons. Vermonts chief public defender recently said it is much more difficult for lawyers to communicate with clients who are held out of state.

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