**The Effect of the Prison Industrial Complex on Domestic Legislation**

Author: Joshua Zakharov from The Bronx High School of Science, NY

Restrictive immigration bills, mandatory minimums, and stricter drug sentencing laws; what do all of these have in common? They limit the freedoms, opportunities, and abilities of those in our country who need them most - minorities, the socioeconomically disadvantaged, and those in need of proper rehabilitation. Who or what force could possibly be responsible for convincing Congress to pass laws like these?

Here, the prison-industrial complex comes into the fray. The prison-industrial complex, or the for-profit prison industry, refers to the many for-profit corporations like GEO Group and the Corrections Corporation of America (CCA) that operate correctional facilities. State governments contract these corporations and turn over their prisons, and the corporation manages the prison at every level from guards to staff to food to facilities. States began relying on corporations to manage their prisons in 1984, with the Tennessee government’s contract to the CCA to manage a single prison in Hamilton County. The prison industry has expanded since then, now containing 133 thousand prisoners⁠1 (over 8% of the nation’s prisoners).

First and foremost, it is worth understanding why and how for-profit prison industries make the amount of money they do, because they certainly do make money - and lots of it. Mint Press reports that the industry turned out over $5 billion in profits in 2011, and that corporations like CCA have seen their profits increase by 500% over the last 20 years.⁠2

The industry rakes in the vast majority of its billions from government contracts to operate prisons. These contracts are largely granted under the assumption that the private prison will acquire as many prisons as possible to save the government as much money as possible. As such, many contracts contain what are called “occupancy quotas” - in order to keep operating,⁠3 the prison must maintain a certain amount of prisoners within its facilities. Ira Robbins of American University, after analyzing government contracts to private prisons, concludes that over 65% of contracts included occupancy quotas mandating 100% occupancy at all times.⁠4

With that in mind, what prisoners actually occupy for-profit prison facilities? Unsurprisingly, their demographics are significantly different than those of state prisons. Business Insider explains that while minorities are over-represented in all prison facilities, they constitute 29% more of the population in private prisons than state-run prisons, and Christopher Petrella of the Journal of Radical Criminology finds that to be true in all states with private prisons.⁠5 Many of these minorities are either in private prisons for minor drug offenses or, even more prevalently, for immigration offenses. Private prisons manage almost half of all undocumented immigrants, totaling almost 25,000 inmates according to Aaron Cantu of Alternet.⁠6

Promoting legislation not only to criminalize minor drugs but especially to enforce harsher penalties for undocumented immigration can only benefit for-profit prisons; as mentioned earlier, they must find whatever means possible to meet their occupation quotas and continue churning out billions from their contracts. As a result, the for-profit prison industry is deeply ingrained in American domestic policymaking in multiple ways, and one of the most prevalent ways is lobbying. Corporations can lobby a politician by sending representatives to propose their ideas for reform to the politician and simultaneously contribute gifts or campaign funds to push their proposition further. An ACLU investigation found that in 2013 alone, the for-profit prison industry spent over $7 million on lobbying efforts to gain influence in politics⁠7. Corporations don’t just lobby politicians, though; they lobby the CIA, Department of Homeland Security, Department of Indian Affairs, Department of Labor, and more⁠8. The legislation these corporations push for are not standard reforms, but new laws intended to promote mass incarceration and increase the populations of prisons. In doing so, the share of prisoners in private prisons increases, and the prisons make more money.

Lobbying from the private prison industry has been notoriously effective. One of the most notable examples has been the passage of Arizona SB1070, where the CCA conspired with conservative politicians to pass a bill authorizing police to randomly stop anybody whom they suspected of being an undocumented immigrant, to determine who is and isn’t an illegal immigrant, and to arrest them as the police saw fit⁠9. The Detention Watch Network adds that for-profit prison lobbying increased sharply after immigration freedom rides in 2004, immigrant mobilizations in 2007, and during 2005 measures to restrict immigration and militarize the US-Mexico border. Stephen Nuno of NBC adds that for-profit prison plans exist to add in more border checkpoints in the coming years⁠10. Corporations like GEO and CCA have also inserted themselves into the American Legislative Exchange Council (ALEC), a group of conservative state lawmakers and industry representatives that drafts legislature for use in state governments⁠11. Its participation in ALEC was instrumental in the drafting of SB1070, and is one of the reasons that its influence in the state-level and federal government is so strongly felt⁠12.

These laws only serve to spur mass incarceration, jeopardize the livelihood of these undocumented immigrants, and, according to the ACLU, place immigrants in horrifying, dehumanizing, and overcrowded conditions. Some of these prisoners are forced to sleep in Kevlar tents outside of prisons, and others are subjected to brutal solitary confinement quotas that dictate a fixed percentage of prisoners to keep in solitary at all times⁠13. The New York Daily News explains that for-profit prisons have made an additional $5.1 billion through contracts to house detained immigrants. There is a motive for their lobbying, and it is unjust⁠14.

As startling as it may seem, the influence of private prisons isn’t slipping in the slightest. Private prisons are only becoming more and more profitable, and corporations have seen their stock skyrocket - CCA, for example, saw an increase in its share price by over 34 times since 2000⁠15. The only way to solve this and finally spur progressive legislation for those who need it the most is to place this issue on a pedestal, and let all those who can know that our legislation is not independently minded and, so long as these corporations turn profits by spurring mass incarceration, it never can be.

1 Carson, E. Ann. "Prisoners in 2013." (n.d.): n. pag. Bureau of Justice Statistics, 2013. Web. 2 May 2015. <http://www.bjs.gov/content/pub/pdf/p13.pdf>.

2 Erickson, Jo. "Private Prisons Pushing To Increase Profits". 30 December 2014. Mint Press News. Retrieved January 2014.

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4 Robbins, Ira P. The Legal Dimensions of Private Incarceration (Washington, DC: American Bar Association, 1988), p. 44.

5 Petrella, Christopher. “The Color of Corporate Corrections, Part II: Contractual Exemptions and the Overrepresentation of People of Color in Private Prisons,” 2013. The Journal of Radical Criminology. <http://www.asca.net/system/assets/attachments/6903/The%20Color%20of%20Corporate%20Corrections,%20Part%20II.pdf?1395414533>] (IB)

6 Cantu, Aaron. “How US Private Prisons Are Making Millions by Jailing Migrants in Deplorable Conditions.” June 11, 2014. AlterNet. <http://www.alternet.org/civil-liberties/how-us-private-prisons-are-making-millions-jailing-migrants-deplorable-conditions> Accessed 11/30/14.

7 “WAREHOUSED AND FORGOTTEN - Immigrants Trapped in Our Shadow Private Prison System”. June 6, 2014. ACLU - American Civil Liberties Union. https://www.aclu.org/sites/default/files/assets/060614-aclu-car-reportonline.pdf

8 Erickson, Jo. "Private Prisons Pushing To Increase Profits". 30 December 2014. Mint Press News. Retrieved 3 January 2014.

9 Taibbi, Matt. “The Divide: American Injustice in the Age of the Wealth Gap.”(2014) Spiegel & Grau. Pp. 214-216.

10 Nuño, Stephen. “Opinion: Private prison lobby pushes for tougher immigration enforcement to increase profits,” 2/22/2013. NBC. <http://nbclatino.com/2013/02/22/opinion-private-prison-lobby-pushes-for-tougher-immigration-enforcement-to-increase-profits/>

11 Sullivan, Laura. "Prison Economics Help Drive Ariz. Immigration Law." NPR, 28 Oct. 2010. Web. 08 May 2015. <http://www.npr.org/2010/10/28/130833741/prison-economics-help-drive-ariz-immigration-law>.

12 Ibid.

13 Cantu, Aaron. “How US Private Prisons Are Making Millions by Jailing Migrants in Deplorable Conditions.” June 11, 2014. AlterNet. <http://www.alternet.org/civil-liberties/how-us-private-prisons-are-making-millions-jailing-migrants-deplorable-conditions> Accessed 11/30/14.

14 "Undocumented Immigrants Lucrative for Private Prison Companies ." NY Daily News, 2 Aug. 2012. Web. 08 May 2015. <http://www.nydailynews.com/news/national/private-prison-companies-making-big-bucks-locking-undocumented-immigrants-article-1.1127465>.

15 Taibbi, Matt. “The Divide: American Injustice in the Age of the Wealth Gap.”(2014) Spiegel & Grau. Pp. 214-216.