

## Public-Private Partnerships From Hell

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Posted By *Joanne Knight* On March 14, 2014

In the past ten years scandal after scandal has rocked the private prison system, from corrupt judges receiving kickbacks for excessive youth sentences to the abusive use of solitary confinement. Yet through it all conservative politicians have staunchly called for tougher sentencing for non-violent crimes and removal of judicial sentencing discretion. Last weekend a bizarre moment was reported from CPAC. Rick Perry said:

“You want to talk about real conservative governance? Shut prisons down. Save that money. Stop the recidivism rates—lower them. That’s what can happen with these drug courts.”

Huh?

On the same panel, New York City Police Chief Bernie Kerik, who runs Rikers Island and was incarcerated for three years on conspiracy and tax fraud charges, stated,

“We’ve got to create alternatives, and we have to stop putting people in prison that don’t necessarily have to be there to learn their mistake.” Wha...?

Had the Republicans all been kidnapped by aliens and replaced with reasonable human beings? No Ben Carson and Sarah Palin were still there being as loopy as ever. Ben Carson tried to deny that he said that Obamacare was worse than slavery. Anyone who thought that was apparently a “dummy.” Sarah Palin seemed to hit the right intelligence level with her diatribe explaining Obamacare through “Green Eggs and Ham.” So what’s going on? Maybe the Republicans had suddenly grown a conscience about the millions of lives that have been ruined through harsh prison terms. That seemed very unlikely.

The private prison industry has an appalling record. In 2010 the American Civil Liberties Union sued Corrections Corporation of America in Boise District Court claiming that violence was so rampant at the Idaho Correctional Center that it was known as “gladiator school” among inmates. The lawsuit said that guards deliberately ordered brutal beatings of inmates from other prisoners as a systematic management tool. The group contends the prison then denied injured inmates medical care to save money and hide the extent of injuries. After settling in 2011, the ACLU in June 2013 filed a motion seeking to hold CCA and ICC’s warden, Timothy Wengler, in civil contempt of court. The court found that CCA failed to fill thousands of hours of guard posts required by the CCA-IDOC contract leading to abuses of prisoners. The company is now under investigation by the FBI.

The Kids for Cash scandal resulted in thousands of children in Pennsylvania being jailed by two corrupt judges, Mark Ciavarella and Michael Conahan, who received \$2.6 million in kickbacks from the builders and owners of private prison facilities. Ciavarella is now in jail serving a 28-year sentence for accepting bribes to place juveniles into detention centers operated by the companies PA Child Care and a sister company, Western Pennsylvania Child Care.

Some have claimed that the impact of such scandals have resulted in a shift in policy. Because of the growing cost of maintaining large prison populations, state governments are considering options such as early release programs and alternative sentencing. This is recognized in CCA’s 2013 SEC filing:

“Although the demand for prison beds in the short term has been and could continue to be affected by the severe budget challenges many of our customers currently face, these challenges put further pressure on our customers’ ability to construct new prison beds of their own, which we believe could result in further reliance on the private sector for providing the capacity we believe our customers will need in the long term.”

CCA are feeling the squeeze of tight government budgets on their business.

However lobbying efforts by the private prison industry seem to have been diverted recently. An analysis from the Associated Press last year found that the three major private prison corporations spent roughly \$45 million over the past decade to influence state and federal government. CCA has its own PAC and a lobbying firm Akin Gump Strauss Hauer & Feld LLP and Geo Group exerts influence through donations to candidates' PACs.

Recently Senator Mark Rubio argued that “we need a responsible, permanent solution to the problem of those who are here illegally. But first, we must follow through on the broken promises of the past to secure our borders and enforce our laws.” Rubio received at \$33,000 from the private prison industry. “Extending amnesty to those who came here illegally or overstayed their visas is dangerous waters,” Representative Jim Sensenbrenner said in January. “We are a nation of laws, and I will evaluate any proposal through that matrix.” Sensenbrenner received \$7750 from the private prison industry since 2003. It seems the conservative “tough on crime” push has metamorphosed into “tough on immigrants.”

Coincidentally or not, the three largest corporations with stakes in immigration detention today are Corrections Corporations of America, GEO Group, and the Management and Training Corporation, according to the Detention Watch Network. In 2013, CCA brought in \$1.7 billion in revenues, about a quarter of which came from contracts with the Immigration and Customs Enforcement (ICE) and federal Bureau of Prisons to incarcerate non-citizens in the United States.

Angela Davis, the prominent civil rights activist, said recently “...immigrant detention is the fastest-growing area of that... [prison-industrial] complex. And, of course, we know that some of the most repressive immigration laws have been drafted by private prison companies precisely because they see immigrant detention as the most profitable sector of the private prison industry.”

Bob Libal, Executive director of Grassroots Leadership, in a letter to the New York Times, October 29, 2013, also named CCA and Geo Group as the beneficiaries of increased immigration incarceration. There was a sharp increase in the number of prisoners in the federal prison system last year adding nearly 1,500 prisoners. Libal argues this growth reflects an increase in the number of criminal prosecutions of immigrant border-crossers. Operation Streamline, a Bush Administration program implemented in 2005, redirected immigrants from the civil immigration system into the criminal justice system by ordering federal criminal charges for every person who crossed the border illegally.

“In fact, for the past four years, more people have been convicted of immigration offenses than any other type of federal offense. My organization estimated in a report last fall that the federal government now commits over \$1.02 billion per year toward the criminal incarceration of migrants for immigration offenses. The biggest winners of the windfall are the private companies that run prisons, like Corrections Corporation of America and the GEO Group.”

Carl Takei staff attorney with the National Prison Project of the ACLU linked the passage of IIRIRA (Illegal Immigration Reform and Responsibility Act) in 1996 to the explosion in immigration detention. In 2011, nearly 430,000 immigrants passed through Immigrations and Customs Enforcement custody. CCA and other private prison companies have profited enormously from this growth. According to the Detention Watch Network, nearly half of all of the immigrants detained by the federal government are detained in for-profit prisons.

Not only is CCA making enormous profits in immigration detention, this continuously morphing entity is diversifying into traditionally liberal policy areas assisted by ALEC, of all organizations. In April 2012, ALEC signaled a policy shift when it dissolved its Public Safety and Elections Task Force, the committee responsible for the “tough-on-crime” sentencing laws. Six months later, it established a new criminal justice task force with a markedly different focus. The new Justice Performance Project states its goal is to “refocus criminal justice resources on dangerous offenders and put the right programs in place to hold non-violent offenders accountable while providing them with the resources they need to become contributing members of society.”

In a presentation “Getting More Safety on Smaller State Budgets” given at ALEC’s 2009 Annual Meeting, Rep. Jerry Madden (TX), described his efforts reforming the Texas prison system. He was given the task of reducing

the state's overcrowded prisons without compromising public safety. Madden focused on diverting low-level drug abusers and mentally ill convicts into intensive, community-based treatment programs. It sounds lovely, everything the left has been calling for the past 20 years.

Except last year CCA acquired the non-profit Correctional Alternatives, Inc. (CAI). CAI operates alternative detention programs like the Work Furlough Facility under contract with the County of San Diego. Work Furlough is a sentencing alternative for judges that houses county inmates and allows inmates to maintain employment while being incarcerated. It has also administered the Community Corrections grant in Shelby County, Tennessee funded by the Department of Corrections since October 1993. CAI Community Corrections Program supervises adult felony offenders and receive transfer cases from all parts of the State.

CCA is clearly expanding its business model to provide end-to-end services in detention services. Given CCA's record in housing other prisoners, it does not bode well for alternative sentencing programs that CCA will be administering these contracts.

The Republican Party has felt the heat from its "tough on crime" policy and is giving the appearance of changing policy direction. In an extraordinarily cynical move it has appropriated the progressive platform of alternative detention and handed it to the private prison sector. The unholy alliance between rightwing politicians and corporations will continue the extreme levels of abuse occurring in private prisons, immigration detention, and now alternative detention. It seems the progressive movement has been outmaneuvered yet again.

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