



ACTION ALERT

Exploring the Prison Industrial Complex: Good Public Policy?

As of 2008, one in every 100 adults in the United States is in prison with a total of 2.3 million adults in local jails, state, and federal prisons. The United States has the highest incarceration rate in the world followed by China in second place with 1.5 million people and Russia in third place with 890,000 people incarcerated. Women in the United States represent the fastest growing prison population with a 108% increase in the number of women incarcerated since 1990.¹ In 1998, Eric Schlosser wrote in *The Atlantic Monthly*, “The prison-industrial complex is not only a set of interest groups and institutions. It is also a state of mind. The lure of big money is corrupting the nation’s criminal-justice system, replacing notions of safety and public service with a drive for higher profits. The eagerness of elected officials to pass ‘tough-on-crime legislation’ — combined with their unwillingness to disclose the true costs of these laws — has encouraged all sorts of financial improprieties.”²

To meet the challenge of the growing prison population, counties, states and the federal government have turned to private companies to build and operate prisons. For rural communities in the United States, prison privatization is seen as an opportunity for economic development. “And while most prisoners in America are from urban communities, most prisons are now in rural areas. During the last two decades, the large-scale use of incarceration...has combined with the fall-out of globalization to produce an ominous trend: prisons have become a ‘growth industry’ in rural America.”³ Since the private prison boom in the 1980s 350 rural counties have acquired new prisons, with the largest growth in Texas. Local officials have offered private companies incentives such as development subsidies, tax-free bonds, low-cost construction financing, property tax abatements, training grants and infrastructure subsidies such as water, sewer or utility hook-ups, access roads and other publicly financed improvements to attract private prison developers and operators to their communities.⁴ Today 2,200,000 individuals are employed in policing, corrections, and the courts.⁵

“Prison Privatization is a broadly defined term for the privatization of prisons and prison-related services. In some cases, this may include transferring control of existing public sector prisons to private companies.”⁶ The modern day prison privatization movement began in the mid 1980s when the federal government and states were facing a rising prison population as a result of harsher drug laws and stricter sentencing laws. Revenues at the Corrections Corporation of America (CCA), the oldest and largest private corrections company in the U.S., climbed from \$14 million in 1986 to more than \$120 million in 1994. Today CCA operates 65 correctional and detention facilities in the U.S. which house approximately 75,000 inmates. CCA provides services for all three federal agencies (The Federal Bureau of Prisons, the U.S. Marshals Service and Immigration and Customs Enforcement), nearly half of all states and more than a dozen local municipalities. CCA is the largest prison operator in the U.S. after the federal government and three states and broke revenue records in 2007 with total revenues of \$1.5 billion.⁷ According to a study conducted by The National Institute on Money in State Politics, “companies have not abandoned their state prison efforts and their quest for taxpayer-subsidized profits. Evidence of this is the \$1,125,598 contributed by private corrections companies to 830 candidates in 14 Southern states during the 2000 election cycle, 90 percent of which went to incumbent and winning candidates who would be making policy and budget decisions in their next legislative sessions.”⁸

Since 2000 states have greatly reduced negotiating new private prison contracts and many states have stopped renewing contracts. Poor staffing and management practices, substandard conditions and prison violence led North Carolina to limit new prison construction, to terminate its two contracts with CCA and to prohibit the import of out-of-state prisoners. More states, such as Utah and Arkansas, have decided against new contracts and have taken control back from facilities that were under private management. Although there is a decline in states contracting with private companies for prison services the federal government has increased its use of private corrections companies. “The federal inmate population has burgeoned as a result of both harsher drug sentencing guidelines and a crackdown on illegal activities, including many minor offenses, committed by non-citizens. The latter prompted the Bureau of Prisons to turn to private companies to house thousands of so-called criminal aliens.”⁹ It has been noted that “prisons have become a major U.S. industry. Their scale sets in lucrative logistic and organizational dynamics, and has created a network of vested interests. Many new state and federal prisons have been deliberately located in economically deprived rural communities, where they have become the principal employer. Some economists and social scientists describe this as a ‘prison-industrial complex.’ It subsidizes jobs for those running prisons and through resources it buys in from the private sector.”¹⁰



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The U.S. Sentencing Commission submitted to Congress an amendment to the Federal Sentencing Guidelines to lower the recommended penalties for crack cocaine offenses committed by criminal defendants sentenced after November 1, 2007. Legislation was introduced in Congress (H.R. 4842) that would provide for reduced sentencing only for those sentenced after November 1, 2007, eliminating the retroactive portion of the amendment. “The Commission observed that because 85% of defendants convicted of crack offenses are black, the sentencing guidelines’ more severe prison terms for crack versus powder fuels a ‘widely-held perception’ that they ‘promote [] unwarranted disparity based on race’”¹¹

According to the United States Bureau of Justice Statistics, the average annual cost per state inmate [in 2001] was \$22,650 or \$62.05 per day. In 1987 all 50 states combined spent \$10.6 billion of their general funds on corrections. In 2007 they spent a total of \$44 billion. That is an increase of 127 percent while during the same period spending on higher education rose only by 21 percent.¹² Under fiscal pressures states have started to change tough-on-crime legislation; releasing prisoners, such as those convicted for nonviolent and nonsexual offenses, early. In Mississippi, the Governor signed into law the release of certain nonviolent offenders after they have served 25 percent of their sentences along with the release of terminally ill inmates. In Kentucky a bill was passed to allow certain nonviolent, nonsexual offenders to serve up to 180 days of their sentences at home and instituted measures that will make it easier for prisoners to earn credit for good behavior. This move, according to *The Washington Post*, could save the state as much as \$30 million. California, with the highest prison population in the country, is debating the release of 22,000 prisoners convicted of nonviolent, nonsexual offenses 20 months earlier than their release dates, placing them on unsupervised parole, saving the state about \$1.1 billion over two years.¹³

Women, specifically minority women, have been disproportionately affected by the prison industrial complex. There are more than 200,000 women in prisons and nearly two-thirds are there for nonviolent offenses. Female offenders are typically minorities under the age of 30, undereducated, single mothers, poor, and are incarcerated for economic crimes such as prostitution and drug sales.¹⁴ Black women represent two-thirds of the female prison population. Punishment for crimes continues far beyond prison terms for women. Once released from prison, women are no longer eligible for many public resources such as public housing, government subsidized funding for higher education, or welfare benefits. “The lifetime ban on welfare, the denial to other welfare programs, and current drug policies that focus on users and nonviolent offenders has a detrimental impact on African American women in urban areas...Policies that deny these women access to resources make it increasingly impossible for them to be productive members of their communities, economically and as parents...Instead of addressing issues of joblessness, affordable childcare, affordable housing, education, and health care, policy is designed to continually punish these women and their children.”¹⁵



ACTION



Call your Representative and Senators and ask them to ACT on the following bills:

S.1711 The Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007: Eliminates sentencing differences between crack and powder cocaine in favor of a single mandatory minimum at the current powder cocaine levels and eliminates the five-year mandatory minimum for simple possession of crack cocaine. This bill is currently in the Senate Committee on the Judiciary Subcommittee on Crime & Drugs.

H.R. 4545 The Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007: This bill is the House of Representatives version of S.1711. The bill is currently in the House of Representatives Subcommittee on Health.

Resources

Read *The Book of Resolutions 2004* #256 Prisons and Criminal Justice and #257 Prison Industrial Complex.

Learn about the Kansas East Conference United Methodist Women’s prison ministry *Women Helping Women Inside*. Contact Conference UMW President Sue Luttrell at Ivasuecsl@aol.com for further information.

Visit the National Conference of State Legislatures website and find out how much your state is spending on corrections and what bills are pending in your state legislature. Go to <http://ncsl.org/programs/cj/pewsentencingtable.htm> Also read *State Sentencing and Corrections Legislation (2007 Action, 2008 Outlook)* by going to <http://www.ncsl.org/print/cj/07sentencingreport.pdf> or call (202) 624-5400.

Visit the Women’s Prison Association(WPA) website for information on housing solutions for individuals and families with criminal justice involvement. Download the WPA Housing Toolkit at http://www.wpaonline.org/resources/housing_toolkit.htm You may also contact them by calling (646) 336-6100.

¹ Julia S. Jordan-Zachery, Ph.D., *The Other Prison Population: Black Women and Crime Policy*, prepared for presentation at the Western Political Science Association, Portland, Oregon, March 11-14, 2004.

² Eric Schlosser, *The Prison-Industrial Complex*, *Atlantic Monthly*, December 1998.

³ Tracy Hauling, *Building a Prison Economy in Rural America*, from *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, The New Press, 2002.

⁴ Phillip Mattern, Mafuza Khan, Greg LeRoy and Kate Davis, *Jail Breaks: Economic Development Subsidies Given to Private Prisons*, Good Jobs First of the Institute on Taxation and Economic Policy, October 2001.

⁵ Rachel Herzog, Challenging the prison industrial complex: “as states fail to fund health care, welfare, education, and transportation...the continued growth in corrections spending is extraordinarily stark,” *USA Today*, November 2003.

⁶ Matthew Zito, *Prison Privatization: Past and Present*, International Foundation for Protection Officers website, http://www.ifpo.org/articleblank/prison_privatization.html, December 8, 2003.

⁷ Corrections Corporation of America 2007 Annual Report, http://files.shareholder.com/downloads/CXW/3396117450x0191161/649DDAB3-E7B5-409C-B3E2-7522619B2065/CXW_2007AR.pdf

⁸ Edwin Bender, *A Contributing Influence: The Private-Prison Industry and Political Gating in the South*, The National Institute on Money in State Politics, April 28, 2002.

⁹ Phillip Mattern, Mafuza Khan, Greg LeRoy and Kate Davis, *Jail Breaks: Economic Development Subsidies Given to Private Prisons*, Good Jobs First of the Institute on Taxation and Economic Policy, October 2001.

¹⁰ U.S. Prison Policy Needs Reform, Oxford Analytica, May 6, 2008.

¹¹ Brian T. Yeh, U.S. Sentencing Commission’s Decision on Retroactivity of the Crack Cocaine Amendment, Congressional Research Service Report for Congress, February 1, 2008.

¹² Brian T. Yeh, *Behind Bars in America 2008*, The Pew Center on the States.

¹³ Keith B. Richburg and Ashley Surdin, Fiscal Pressures Lead Some States to Free Inmates Early, *The Washington Post*, A01, May 5, 2008.

¹⁴ Julia S. Jordan-Zachery, Ph.D., *The Other Prison Population: Black Women and Crime Policy*, prepared for presentation at the Western Political Science Association, Portland, Oregon, March 11-14, 2004.

¹⁵ *Ibid.*