

Feb 5, 2019 mercurynews.com

### **Is California closer to closing private prisons with Newsom at helm?**

California Democrats think 2019 is their best chance yet to accomplish a long-held liberal goal: shuttering the state's private prisons. Gov. Gavin Newsom vowed in his inaugural address "to end the outrage that is private prisons," and now state lawmakers are mounting a renewed effort to turn that applause line into reality. They're painting the move as an act of resistance against one of the Trump administration's most important corporate partners. But with California's corrections system still far over capacity, some state leaders are questioning how far they can go in casting aside the private prison industry. The state's use of private prisons jumped after a federal court ordered officials to reduce perilous overcrowding in 2009, when inmates were crammed into gymnasium bunk-beds and the suicide rate was nearly double the national average. The prison population has dropped precipitously since then, but California currently has more than 4,000 inmates in private facilities, about half in-state and half in Arizona, costing the state millions of dollars a year. The two companies holding California inmates — CoreCivic and GEO Group, the largest firms in the industry — both have faced numerous lawsuits over the years accusing them of poor medical care and treatment of inmates. Democrats are now pushing Assembly Bill 32, which would block California from approving contracts with the prison companies starting in January 2020 and force the state to remove all inmates from private prisons by 2028. "It's inconsistent with our values to be putting inmates in prisons where the incentive is to minimize investments and maximize profits for shareholders," said Assemblyman Rob Bonta, D-Oakland, one of the bill's authors. Newsom's office declined to comment on the bill. The state corrections department noted that it has already reduced its reliance on private prisons — including ending the use of several other out-of-state facilities — and plans to pull inmates out of the last Arizona prison later this year. If Newsom backs the effort, it would show a different approach from his predecessor. Gov. Jerry Brown vetoed a more limited bill in 2017 that would have ended the state's use of out-of-state private prisons, arguing that while he supported its intent, the corrections department "needs to maintain maximum flexibility in the short term" due to the court mandate. As of last week, California's public prisons held 117,195 inmates — 130.6 percent of the capacity they were designed to house. Under the court order, the state cannot exceed 137.5 percent of capacity, and adding in the 4,004 inmates currently held in private prisons would raise the level to 134.8 percent. Private prison supporters argue that would be worryingly close to the court-ordered cap. "Not everyone wants to hear this, but (the private prisons) did a really good job of providing us with the capacity we needed," said Scott Kernan, the former state corrections department chief who retired last year and is currently a member of GEO Group's board of directors. He described the facilities as "a necessary and integral part of how we managed our population" over the last decade. But he noted that the facilities had become less important as the state's prison population has declined — down from a peak of more than 173,000 inmates in 2006. The companies — which have donated generously to California politicians of both parties — argued that the bill would undermine the state's progress. "We've been providing safe, secure housing and life-changing re-entry programming for inmates that had faced extreme overcrowding," said Rodney King, a CoreCivic spokesman. California is one of the top revenue-producing states for both companies. In July 2018, the state renewed contracts for four prisons with the GEO Group. Those contracts, which last through June 2023, will cost the state a total of \$306 million. The two private prison companies were major donors to Trump's inauguration committee, and GEO Group also gave to his campaign and a pro-Trump Super PAC. They also are integral partners for the president's immigration policies, with both running ICE detention centers around the country, including in California, which would not be impacted by the bill. While the Obama administration moved to stop using private prisons for federal inmates in 2016, former Attorney General Jeff Sessions reversed that directive. In the third quarter of 2018, CoreCivic's drop in revenue from declining numbers of California inmates was more than made up for by a spike in funds from the federal government, according to the company's earnings report. The private prison firms' involvement in the Trump administration's immigrant detention has only inflamed opposition to them in California. "We're enriching companies that are taking our

children,” said Assemblywoman Lorena Gonzalez, D-San Diego, another of the bill’s co-authors. “Who wants our state money to encourage that?” (Both companies hold immigrant families, including children, in some of their facilities, but not minors who have been separated from their parents. The bill would not apply to privately run halfway houses around the state, or a Kern County facility that’s owned by CoreCivic but leased and operated by the state. Another bill sponsored by Bonta and Gonzalez, AB33, would order the state public employees retirement system to divest from private prison companies. The state teachers’ retirement system divested last year. Advocates are especially intent on closing La Palma Correctional Center, a squat private prison surrounded by miles of scrubby desert in Eloy, Arizona, which holds both California inmates and ICE detainees. La Palma overused solitary confinement, provided insufficient services and had numerous security issues, according to a 2010 state inspector general report. Its remote location also makes it difficult for many California families to visit. Martinez resident Annie Santiago visited her husband, Kenneth, who was convicted of robbery, every week when he was at Mule Creek prison in Amador County, she said. But after he was transferred to La Palma, the more than 12-hour journey made it impossible for her and their three children to see him more than once or twice a year. “When they told me they were going to move my husband so far away, my heart broke,” said Santiago, 59. “I was begging for my husband to come back.”