

THE ROLE OF
FOR-PROFIT PRISON CORPORATIONS
IN SHAPING U.S. IMMIGRANT DETENTION & DEPORTATION POLICIES

GOVERNING UNDER THE INFLUENCE

DECEMBER 2015

Querem Bequiri was getting dressed for school when the doorbell rang. She was shocked to find a crowd of Immigration and Customs Enforcement (ICE) officers at the door. “The officers told my parents that they had to leave with them and leave the baby behind,” says Querem, recalling how her mother cried. “We watched through the front window as my parents were taken.” Querem’s mom was released with a tracking device. Her dad was taken to the Elizabeth Detention Center in New Jersey. Elizabeth is operated by Corrections Corporation of America (CCA), which earned a record \$300 million

dollars from government contracts in 2013.¹ For CCA, family separation is a matter of dollars and cents.

For-profit corporations, which invest heavily in campaign contributions and lobbying, currently house nearly two-thirds of all immigrant detainees in publicly funded detention centers.² Expanding grounds for immigrant detention is profitable for them—but imprisoning people to serve a profit motive is clearly wrong. Policymakers need to be accountable to the public they represent, not to the wishes of their campaign donors.



**American Friends
Service Committee**

The connection between immigration policy and mass incarceration

Today, the United States has just 5 percent of the world's population, but nearly 25 percent of the world's prisoners.³ Between 1970 and 2009, as a result of the "war on drugs," harsh sentencing policies, and rejection of restorative justice alternatives, the U.S. prison population grew by more than 700 percent—outpacing both population growth and crime rates.⁴ From 1990 to 2009, as mass incarceration accelerated, the private-prison industry grew by more than 1,600 percent.⁵

The relationship between private prison companies and mass incarceration is symbiotic. Mass incarceration fuels the proliferation of for-profit prisons while for-profit prison corporations encourage policies that increase the number of people behind bars. For this cycle of rapid expansion to end, public policy must address both the push to incarcerate and the expansion of private prisons.

Private entities engaged in the detention industry have profited from changes to immigration policy that propel the rate of incarceration. Entering the United States unlawfully used to be treated as a civil offense (i.e., a crime that was dealt with through our federal immigration system). Today, the Department of Justice (DOJ) prosecutes immigration-related offenses more than any other federal crime—as of 2013, of all of the federal criminal cases filed by the DOJ, nearly 40 percent were immigration-related offenses, in-

cluding unauthorized entry into the U.S. An unauthorized entrant will be processed first through the criminal justice system, where he or she will be convicted and serve a federal prison sentence, and then he or she will be turned over to ICE custody and can be held in immigration detention, serving a de facto second sentence.⁶

These lengthy, double sentences result in increased profits for the private corporations that run criminal jails and prisons, and civil detention centers. Thousands of immigrants are held in and shuffled through this complex network of prisons throughout the U.S.

Adding to the increase in the number of people incarcerated and detained each year, Congress imposes a detention bed quota upon ICE that requires the agency to jail a predetermined number of immigrants—34,000 people on any given day—solely because of immigration status. This quota is mandated annually by Congressional appropriations bills. People whose detention counts toward this quota include those who are seeking asylum or other forms of protection after recent entry into the United States; undocumented people arrested for immigration status violations; and green card holders or others held for deportation because of previous criminal convictions for which they have already served their time.

The immigration detention quota

Despite a decline in the number of undocumented immigrants in the U.S., the following language was inserted into the Department of Homeland Security (DHS) Appropriations Act of 2010 concerning the ICE detention budget: "... funding made available under this heading shall maintain a level of not less than 33,400 detention beds."⁷ Since that time the detention bed quota has appeared in every annual DHS appropriations bill.

This directive was interpreted by ICE as a mandate to fill 33,400 (increased in 2013 to 34,000) detention beds on a daily basis, which translates into approximately half a million individuals detained every year.⁸ Money appropriated for this quota lines the pockets of private prison corporations, which are now contracted for 62 percent of ICE de-

tention beds.⁹ Nine of the 10 largest ICE detention centers are now run on a for-profit basis.¹⁰ It costs taxpayers close to \$2 billion to maintain this arbitrary, ineffective, and inhumane system.¹¹

This policy is not dictated by public interest or "homeland security" needs so much as the demands of private prison corporations. Officials at CCA¹² and the GEO Group¹³—the nation's two largest private prison operators—openly admit that reforms leading to fewer incarcerated immigrants would harm their business plans. As things stand now, the criminalization of immigrants has contributed to a 13 percent rise in the number of immigrants housed in privately operated prisons since the quota was instituted.¹⁴

Criminal Alien Requirement (CAR) prisons

According to a recent Fusion investigation, “without a single vote in Congress, officials across three administrations: created a new classification of federal prisons only for immigrants; decided that private companies would run the facilities; and filled them by changing immigration enforcement practices.”¹⁵ One-hundred percent of these facilities, known as “Criminal Alien Requirement” (CAR) prisons, are operated by private corporations.¹⁶ An ACLU report states that “the CAR prisons are unusual in three respects: They are some of the only federal prisons operated by for-profit companies instead of being run as federal institutions by the Bureau of Prisons (BOP); they house exclusively non-citizens; and they are low-custody institutions with

lesser security requirements than the medium and maximum-security institutions run directly by the Bureau of Prisons (BOP).”¹⁷ Currently, there are 13 CAR prisons in the U.S., five of which are in Texas.¹⁸ Those prisons are filled with people—approximately 23,000 in all—most of whom

would not have been incarcerated just ten years ago, when these types of immigration-related offenses were treated as civil, not criminal, cases.¹⁹

Investigations by ACLU, Fusion, Grassroots Leadership, Justice Strategies, and other organizations have revealed a host of problems within CAR prisons. The people held in these prisons face debilitating abuse and obstacles to family contact, and they lack access to medical care. Furthermore, the contracts issued by GEO and CCA each require a minimum of 10 percent of the contract beds to be solitary confinement cells,²⁰ which place immigrants in an environment that has been demonstrated to cause immense psychological harm.²¹

Also of concern is the lack of transparency surrounding private prisons. Unlike public facilities that are subject to state and federal open records laws such as the Freedom of Information Act, private prisons are permitted to operate in secrecy, away from the light of public scrutiny.

Incarcerating immigrants: A revenue source for private prison corporations

For-profit prison corporations see enormous financial growth when federal policies they encourage result in heightened criminalization of immigrants. Grassroots Leadership reports that together, GEO and CCA account for about 72 percent of the detention beds privately contracted for by ICE.²²

- According to Grassroots Leadership, “Both companies have significantly augmented their profits since the implementation of the quota, CCA from \$133,373,000 in 2007 to \$195,022,000 in 2014. GEO experienced an even more dramatic profit increase from \$41,845,000 in 2007 to \$143,840,000 in 2014, a 244 percent increase.”²³

- Following the implementation of the detention quota, CCA and GEO expanded the share of all immigrant detention that they operate from 37 percent in 2010 to 45 percent in 2014.²⁴
- In its 2013 Securities and Exchange Commission (SEC) filing, GEO stated, “(i)migration reform laws which are currently a focus for legislators and politicians at the federal, state and local level also could materially adversely impact us.”²⁵
- CCA also acknowledges the need to expand detentions: “[o]ur growth is generally dependent upon our ability to obtain new contracts to develop and manage new correctional and detention facilities.”²⁶

Lobbying by for-profit corporations seeking to influence immigration policies

- Since 2003, CCA and GEO have spent a combined total of over \$32 million lobbying the federal government—including lobbying DHS, which oversees federal contracts for immigration detention centers.²⁷
- In 2013, CCA denied lobbying on “sentencing or detention enforcement legislation” and said that it “will not take a position on or advocate for or against any specific immigration reform legislation nor will [its] government relations team on [its] behalf.”²⁸ However, in 2012, CCA had hired a lobbying firm to begin monitoring immigration policy issues, as evidenced by their Senate lobby expense disclosures.²⁹
- GEO has publicly said that it “has never directly or indirectly lobbied to influence immigration policy. [It has] not discussed any immigration reform related matters with any members of Congress, and [it] will not participate in the current immigration reform debate.”³⁰ But its 2013 lobbying disclosures reveal that GEO hired a firm to lobby Congress on “issues related to comprehensive immigration reform.”³¹
- According to the Center for American Progress, CCA had 25 lobbyists in Congress when the detention quota was passed in 2009.³²

The revolving door between public administration and private prison companies

The increased profits that go to private prison corporations when more people get incarcerated for immigration violations are passed on to company shareholders and executives. Leadership positions at for-profit prison corporations are much more lucrative than those in government. The ACLU reports that “According to the investment research firm Morningstar, the executive officers of CCA and GEO together received roughly \$19 million in compensation in 2012.”³³ According to Fusion’s “Shadow prisons” report,

three of the last four directors of the federal Bureau of Prisons joined the boards of large private prison corporations after leaving office.³⁴ In addition, Fusion reports that “many other government officials at the Department of Justice and Department of Homeland Security who were in charge when Operation Streamline³⁵ was implemented and immigrant prisons were built now work in the private prison industry.”³⁶













NAME	GOVERNMENT ▶	BUSINESS ▶	GOVERNMENT
Harley G. Lapin	Director of BOP (2004–11) Salary: \$180,000 ▶	Executive VP & Chief Corrections Officer CCA (2011–present) Salary: \$1,514,706	
J. Michael Quinlan	Director of BOP (1987–92) ▶	Former Senior Vice President and CEO of CCA (1992–present)	
Norman A. Carlson	Director of BOP (1970–87) ▶	Director of GEO Group (1994–3014), formerly Wackenhut	
Phillip Perry	Associate Attorney General at DOJ (2002–05) ▶	Lobbyist for CCA, Partner at Latham & Watkins (2004–05) ▶	General Counsel DHS (2005–07)
Thurgood Marshall Jr.	Clinton Administration (1992–2000), titles include Cabinet Secretary to President Clinton, Director of Legislative Affairs, Deputy Counsel to VP Al Gore ▶	Director of CCA (2002–present)	
Stacia A. Hylton	Attorney General’s Federation Detention Trustee (2004–10) ▶	Consultant for GEO Group (2010) ▶	Director of US Marshals Service (2010–present)
Julia Myers Wood	Asst. Secretary DHS, Head of ICE (2006–08) ▶	Director of GEO Group (2014–present)	

Source: *Shadow Prisons*, Fusion

Campaign contributions by for-profit prison corporations

Private prison corporations seek influence over public policy through campaign contributions to key legislators in the immigration reform debate. The chart below details the total contributions directly from GEO and CCA to these

politicians between roughly 1989 to the second quarter of 2014. It is important to note that this is not an exhaustive list because federal law exempts certain types of campaign contributions from disclosure.

U.S. SENATORS		Sen. Marco Rubio (R-FL) , Republican leader on immigration reform with significant shifts in stance, supports repealing Deferred Action for Parental Accountability (DAPA); presidential candidate	\$62,300 (from GEO) ³⁷
		Sen. John McCain (R-AZ) , introduced legislation and amendments appropriating funds to expand immigrant detention through Operation Streamline, and actively promotes the program.	\$67,396 (from CCA and GEO) ³⁸
		Sen. Bob Corker (R-TN) , an author of the “border surge” amendment to the Senate comprehensive immigration bill.	\$51,450 (from CCA) ³⁹
		Sen. Lamar Alexander (R-TN) , a leader in anti-immigrant policies, including expanding immigration detention facilities.	\$71,450 (from CCA) ⁴⁰
		Sen. Lindsey Graham (R-SC) , member of the Senate “Gang of 8” who voted for an amendment that would increase prosecution of undocumented immigrants crossing the southern border; presidential candidate.	\$12,864 (CCA and GEO) ⁴¹
U.S. REPRESENTATIVES		Rep. John Boehner (R-OH-8) , former Speaker of the House, who co-sponsored legislation increasing immigrant detentions.	\$44,000 (from CCA ⁴² and GEO) ⁴³
		Rep. Hal Rogers (R-KY-5) , chairs the House Appropriations Committee and co-sponsored legislation that would result in undocumented workers being subjected to detention.	\$67,400 (CCA and GEO) ⁴⁴
		Rep. Henry Cuellar (D-TX-28) , proposed “voluntary removal” legislation making it easier to deport children outside of the legal process; represents a district in which GEO-operated Karnes County Residential Center is located and named Karnes as a model facility - yet female detainees say sexual abuse is rampant at the center.	\$38,500 (from CCA and GEO) ⁴⁵
		Rep. Marsha Blackburn (R-TN-7) , introduced a bill permitting local law enforcement to detain undocumented immigrants, which would increase detentions, and brought forth an amendment ending temporary legal status for immigrant youth.	\$23,600 (from CCA) ⁴⁶
		Rep. John Carter (R-TX-31) , chair of the House Appropriations Homeland Security Subcommittee, briefly participated in the House “Gang of 8” and co-sponsored a bill allowing local law enforcement to detain undocumented immigrants.	\$21,000 (from CCA and GEO) ⁴⁷
		Rep. Lamar Smith (R-TX-21) , sponsored legislation increasing immigrant detention and compared immigrant detention to “recess.”	\$6,500 (from CCA) ⁴⁸
U.S. GOVERNORS		Gov. Rick Perry (R-TX) , under his stewardship as former Governor, Texas seized on the Secure Communities Program to funnel thousands of immigrants into detention facilities; opposed release of thousands of immigrants in 2013; two-time former presidential candidate.	\$2,000 (from CCA and GEO) ⁴⁹
		Gov. Jerry Brown (D-CA) , governor of a state with both GEO and CCA operated immigration detention centers. In 2012, he vetoed the TRUST Act—a bill that would have curbed the expansion of immigrant detentions in California. In 2013, he signed an amended version of the bill that would result in slowing but continuing the expansion of immigrant detention, a move that is in contrast to the jurisdictions in his state that refuse to transfer inmates into immigrant detention.	\$40,900 (from CCA and GEO) ⁵⁰

Recommendations

In the current political context, policymakers have excellent opportunities to rethink policies that fuel mass incarceration and consider alternatives that are more humane, more sustainable, and more effective. Immigration policy is a great place to start.

- The immigrant detention quota must be eliminated, and the heavy influence of the for-profit prison industry over our public policy-making process must end.
- Community-based alternatives provided by trusted nonprofit community organizations should be used instead of retributive justice mechanisms or services provided by profit-motivated corporations. Studies⁵¹ show such alternatives to be effective and more cost-efficient.
- Detention facility operators need to be held accountable and their practices made transparent to prevent human rights abuses. For example, private prisons should be held to the same disclosure laws as public facilities. Freedom of Information Act (FOIA) loopholes utilized by for-profit entities must be closed. Claims by these corporations that complying with FOIA requests about detention center conditions would result in airing pro-

tected “trade secrets” perpetuate ill treatment of detainees and undermine accountability. In addition, no one should be subjected to indefinite detention, solitary confinement, denial of access to phones and lawyers, inadequate medical treatment, and other deplorable conditions of confinement.

Security does not come from maximizing prison populations or criminalizing migrants. Our nation’s wellbeing rests in solutions that address the root causes of insecurity, inequality, and migration with strategies that reunite families, build human security, and prize human dignity. To learn more about AFSC’s recommendations for *A New Path: Toward Humane Immigration Policy*, visit www.afsc.org/newpath.

The American Friends Service Committee is shining a spotlight on the excessive influence of powerful corporations in shaping policies that undermine the public good through a strategic education and action project called *Governing Under the Influence*. The project is initially focusing in Iowa and New Hampshire, states that get the lion’s share of attention from presidential candidates in the presidential nominating process.

Glossary

ICE: Immigration and Customs Enforcement

DHS: Department Of Homeland Security

DOJ: Department of Justice

CCA: Corrections Corporation of America

BOP: Bureau of Prisons

CBP: U.S. Customs and Border Protection

CAR: Criminal Alien Requirement

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