Private prisons are a failed experiment with 'perverse and immoral incentives,' ABA House says in calling for their end

The ABA House of Delegates passed a resolution Tuesday opposing private prisons and juvenile detention centers. Co-sponsored by the Criminal Justice Section, National Bar Association, and the Section of Civil Rights and Social Justice, Resolution 507 opposes the use of private jails, prison and juvenile detention centers to detain people before they stand trial and after they are convicted. It passed in a 273-33 vote. Stephen A. Saltzburg of the Criminal Justice Section introduced the resolution Tuesday morning at the ABA Hybrid Annual Meeting. He noted that the ABA had adopted Resolution 115B in 1990 warning governments to proceed with caution before entering into contracts with private prison companies. "We've had 31 years to take a look at private prisons and jails and juvenile detention centers, and what have we learned? We've learned that they do more harm than good," Saltzburg said. "They have a tendency to cut staff, they have a tendency to cut programs, and that probably shouldn't surprise anybody because that's how you make a profit." GEO Group, CoreCivic, and Management and Training Corp. are among the companies that run prisons in the United States. In response to a request for an interview, GEO Group referred the ABA Journal to Day 1 Alliance, a trade association representing the three companies. Ahead of the resolution's passage on Tuesday, Day 1 Alliance spokeswoman Alexandra Wilkes called the resolution "politically motivated" and "ill-informed." "If the sponsors of this proposed resolution had any idea what they were talking about, they'd know that private sector contractors have been part of the solution to some of the toughest challenges facing America's criminal justice system—including helping alleviate unsafe overcrowding and unconstitutional conditions in government-run prisons while providing greater access to recidivism-reducing programs that help returning citizens rejoin their communities," Wilkes wrote in an emailed statement. The private prison industry gained a foothold in the 1980s, ostensibly as a way to ease surging prison populations, the Marshall Project reports. Operators of private prisons say they help ease the burden on taxpayers by reducing public spending on government-run facilities. But Resolution 507's report says private prisons have fueled incarceration. The industry lobbies to impose stricter laws and penalties and opposes sentencing reforms, the report says. "Today, private prison corporations are driven by perverse and immoral incentives whereby an increase in crime and an increase in the number of human beings placed into America's prisons is good business news for that industry," the report states. A March report by The Sentencing Project found that as of 2019, private prisons incarcerated 115,428 people and that the private prison population had increased 32% since 2000. "However, the private prison population has declined 16% since reaching its peak in 2012 with 137,220 people. Declines in private prisons' use make these latest overall population numbers the lowest since 2006, when the population was 113,791," the report states. President Joe Biden addressed the use of for-profit facilities for federal detainees in a Jan. 26 executive order. The order bars the Justice Department from renewing contracts with private criminal detention facilities. In 2016, the Justice Department's Office of Inspector General found that for-profit detention facilities "do not maintain the same levels of safety and security for people in the federal criminal justice system or for correctional staff. We have a duty to provide these individuals with safe working and living conditions," the order states.