

Wardens from Wall Street: Prison Privatization

This is the second in a series of six pastoral statements by Catholic Bishops of the South on the Criminal Justice process and a gospel response.

“We bishops question whether private, for-profit corporations can effectively run prisons. The profit motive may lead to reduced efforts to change behaviors, treat substance abuse, and offer skills necessary for reintegration into the community.”

U.S. Catholic Bishops statement “Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice,” November 2000. As pastoral leaders of the Roman Catholic community, we continue to reflect with you on the themes of responsibility, rehabilitation and restoration in light of the reality of crime and criminal justice in our area of the country. The restoration of justice, along with compassion, is the way of the gospel.

We note with apprehension the rise of for-profit private prisons in the South and in the nation. The focus of this statement is the private prison industry. Recent reports by the U.S. Department of Justice indicate that prisons operated by private corporations’ house over 100,000 prisoners in our country.[1] Private prisons have become more prevalent because our nation is putting growing numbers of people behind bars, governments are facing the rising costs of incarceration as with all public services, and there is increasing political pressure to privatize many government services.

We are concerned about the rise in for-profit private prisons because previous attempts to introduce the profit motive into prisons have failed to respect the fundamental human dignity of every prisoner. Immediately following the abolition of slavery, Southern states developed the Convict Lease System, under which state and local governments contracted out prisoners as laborers on farms, roads, railroads and mines. Widespread physical abuse and an extraordinary level of death among prisoners led to legislation declaring the commercial exploitation of prisoners’ illegal. [2]

We recognize the fundamental human dignity of prisoners and are troubled by the documented level of violence against prisoners in private prisons. [3] Prisoners are persons, with inherent God-given human dignity. When prisoners become units from which profit is derived, there is a tendency to see them as commodities rather than as children of God. Our troubled times have taught us that, once people are dehumanized, they are more liable to be exploited, abused and violated and to becoming more violent themselves.

We recognize the inherent dignity of labor and are troubled by the working conditions and wages of those entrusted with the care of prisoners in private facilities. In order to reduce costs and maximize profits, private prisons redistribute their operational costs, with less money going to those employees who work directly with prisoners and more to executives and shareholders. We do not agree that paying private prison staff lower wages than public employees receive, or cutting their numbers, advances the common good or just treatment of prisoners. We note that some state and

local governments have canceled private prison contracts because of insufficient staff and mismanagement. [4]

We question whether private prisons have the incentive to assist people not to return to prison. In addition to removing people from the community for the safety of the community, one of the stated purposes of prison is to prepare the people who are in prison for reintegration into the community once their sentences have been served. Almost everyone in prison is re-entering our communities at some point. We are concerned that cutting staff and reducing wages in order to protect profit margins is in conflict with the need to respect and rehabilitate prisoners. We are even more deeply troubled that the private prison industry has actively supported institutions that lobby for harsher sentencing laws, which increase the prison population.

We believe that private prisons confront us with serious moral issues, demanding a gospel response. To deprive other persons of their freedom, to restrict them from contact with other human beings, to use force against them up to and including deadly force, are the most serious of acts. To delegate such acts to institutions whose success depends on the amount of profit they generate is to invite abuse and to abdicate our responsibility to care for our sisters and brothers.

Since it appears that private prisons are not consistent with the need for our prisons to respect the human dignity of each and every person, we call for an end to all for-profit private prisons. The trend towards more and more people being held in private prisons should be reversed immediately. We call on all levels of government to refuse to sign new contracts or to renew expiring ones with private prison corporations.

As long as private prisons continue to exist, they need to be held fully accountable. While private prisons continue there, needs to be independent, thorough, and systematic oversight of their operation by government. Independent monitors should be allowed to make sure that private prisons are operating in ways that treat all concerned, including prisoners, with the dignity that is inherent in all human beings.

Our region and our nation must change the policies that are putting so many of our people in prison. Imprisonment for profit would not have arisen again if our nation's prison population had not been expanded so radically. While the U.S. now leads the entire world in rate of incarceration, our southern states lead the nation [5] -- the seven states with the highest incarceration rates are in the South. [6] Sentencing must be reformed and alternative sentences

¹ "Prisoners in 2001," US Department of Justice, July 2002, Highlights.

² "A Tale of Two Systems: Cost, Quality and Accountability in Private Prisons," see footnote 9.

³ An industry-wide survey conducted in 1997 by James Austin, a professor at George Washington University, found 49 percent more inmate-on-staff assaults and 65 percent more inmate-on-inmate assaults in medium- and minimum-security private facilities than in medium- and minimum security prisons run by government. [from Judy Greene's article in *The American Prospect* (September 1, 2001)]

⁴ Sentencing Project, "Prison Privatization and the Use of Incarceration," 1/02, page 3. North Carolina has canceled contracts and Arkansas has taken back some of its prisons from private contractors.

⁵ Sentencing Project, "New Prison Population Figures: Crisis and Opportunity," August 2002. This analysis shows the USA leads all nations in the rate of incarceration with 686 per 100,000. Russia is second with 644 per 100,000.

⁶ Bureau of Justice Statistics Bulletin, PRISONERS IN 2001, Table 6, released July 2002 reported that the states with the highest incarceration rates were: Louisiana, Mississippi, Texas, Oklahoma, Alabama, Georgia, South Carolina, Missouri, Delaware, and Arizona.