

PRIVATE PRISONS

Definition : A private prisons is a penitentiary owned and managed by a private company. Federal and state justice departments delegate the incarceration of convicts to these private companies. Private prisons generate money through contracts with public institutions and prison labor.

I. HISTORY AND JUSTIFICATIONS

« Executive Order 14006 » In January 2021, Joe Biden requires that the federal justice department stop using private prisons.

A) A MORE EFFECTIVE PRISON ADMINISTRATION

Argument : economical response to increases in imprisonment rates (Civil war, tough-on-crimes laws)
(8% of the total state and federal prison population are incarcerated in private prisons, 90 000 people)

Objections :

- The allegedly greater efficiency of private prisons is contested.
- Privatized prisons may lead to more inmates and longer sentences (Lobbying and judge corruption)

B) A PROFITABLE SYSTEM FOR COMPANIES

- Profit from the contract with federal and states governments
↳ to ensure the day-to-day management of the prisons

- Profit from the inmates' work
• maintenance work on their own prison
• production of goods and services marketed by the prison

+ Unprotected work (no minimum wages, no right to unionize) due to the 13th amendment.

⇒ Prison workers produce \$11bn worth of goods and services a year

II. PRIVATE PRISONS TAKING ADVANTAGE FROM THE DETAINED IMMIGRANTS

« All the false promises of criminal justice reform just didn't happen » - letter from an inmate to a public journal.
The administration was accused of negligence towards the detained people.

A) THE FORGOTTEN RESPONSIBILITY OF PRIVATE PRISONS' EMPLOYEES

- **Carlson v. Green, 1980** => a federal prison may bring an Eight Amendment against prison personnel.
- **Farmer v. Brennan 1994** => in order to show a violation of the 8th Amendment, the prisoner has to prove that the employee acted with deliberate indifference, not just negligently.
- **Minnecci v. Pollard, 2011** => impossibility to claim against a private prison employee, only under state tort law.

B) THE HIGH INCOME COMING FROM THE PRIVATE PRISONS

- The private prisons from Texas and Louisiana detain 42% of private prison inmates.
- These corporations have a huge profit from the Immigration and Customs Enforcement contracts, because they provide almost the same amount of inmates as provide the Department of Justice.

Public opinion: the budget should be invested in order to improve public detention instead of providing benefits for the private prison companies.