



R E S E A R C H A N D A D V O C A C Y F O R R E F O R M



Dollars and Detainees

The Growth of For-Profit Detention

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The War on Drugs and harsh sentencing laws led to explosive growth in state and federal prison populations in the 1980s. The massive rise in prisoners overwhelmed government budgets and resources, and created opportunities for private prison companies to flourish. In 2010, one in every 13 prisoners in the U.S. was held by for-profit companies,¹ despite evidence that private prisons often provide inadequate levels of service and are no more cost-effective than publicly-run facilities. In addition, private prisons operate on a business model that emphasizes profits over the public good, and benefit from policies that maintain America's high incarceration rate.²

Nonetheless, these companies could count on predictable growth in the number of state and federal prisoners until 2008, when budget crises and policy changes led some states to reduce their prison populations and private prison contracts. The resulting losses for private prison companies were more than offset by expansion of their management of federal detainees under the jurisdiction of Immigration and Customs Enforcement (ICE) and the U.S. Marshals Service. Between 2008 and 2010, the number of privately-held inmates decreased by 1,281,³ while the number of privately-held detainees increased by 3,327.⁴ This growth was part of a larger trend that saw the total private detainee population increase by 259 percent between 2002 and 2010; a change largely due to stepped up efforts to find, incarcerate, and deport people who violate immigration laws. There are indications that federal detention will remain a major market for private companies.

There are two key concerns about the expansion of private federal detention that need to be addressed. First, many of the problems associated with private corrections appear equally valid in the area of private detention. These include unsubstantiated claims of cost savings, problems with oversight, and high staff turnover. Second, there are considerable concerns regarding transparency in the use of private detention. The way federal agencies report data on privately-held detainees, along with the complex contractual arrangements and tiered layers of bureaucracy that result from privatization, make it difficult to ascertain the full scope of detention privatization at any given time. Without such transparency, policymakers and citizens are inherently limited in their ability to assess the full effects of privatization.

FEDERAL DETAINEES

Federal detainees fall under the jurisdiction of Immigration and Customs Enforcement (ICE) and the U.S. Marshals Service (USMS). These detainees differ from prisoners in that they are generally waiting to have their case decided in court, rather than serving time because they were convicted of a crime.

Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) was created following the terror attacks of September 11th to replace the U.S. Customs Service and the Immigration and Naturalization Service.⁵ It is the main investigative arm of the Department of Homeland Security. ICE detainees include individuals who: (1) violate administrative laws by being in the U.S. without proper documentation; (2) overstay their visas; (3) are charged or convicted of crimes that subject them to deportation; (4) were previously deported or ordered to leave the country, but have returned/ remained in the U.S.; and (5) are refugees seeking political asylum.⁶

Responsibility for apprehending, arresting, and removing undocumented immigrants lies with ICE's Enforcement and Removal Operations (ERO).⁷ ERO's stated priority is removing people immigrating to the U.S. who have been convicted of crimes, pose a threat to national security, are fugitives, and entered the U.S. illegally.⁸ In addition to holding immigrant adults, ICE also detains families, asylum seekers, and other vulnerable immigrant groups.⁹

In 2010, 44 percent of immigrants deported from the U.S. were "convicted criminal aliens." The most common crimes these individuals committed were drug offenses (25 percent), immigration crimes (19 percent), and criminal traffic offenses (18 percent).¹⁰

U.S. Marshals Service

The history of the U.S. Marshals Service (USMS) traces back to 1789 when it was established to support the federal courts. The agency's responsibilities have varied since its creation, and have included capturing fugitive slaves, conducting the national census, and swapping spies with the Soviet Union.¹¹ Today, USMS' role includes apprehending fugitives and housing and transporting all federal detainees

from the time they enter federal custody until they are either acquitted or convicted and delivered to a federal prison facility.¹²

Over the course of 2011, USMS held a total of 209,526 individuals. Only two percent of those detainees were booked for violent crimes, while the plurality (40 percent) was detained for immigration offenses,¹³ including unlawful entry, failure to follow a deportation order, and reentry after deportation.¹⁴ In 2009, more than 10 percent of those charged with federal crimes were ultimately not convicted in court.¹⁵ On average, detainees were held for 110 days, with those in custody for a drug or weapon offense being detained the longest (227 days, on average).¹⁶

USMS and Immigrant Detention

The U.S. Marshals Service has been playing an increasing role in detaining people attempting to enter the U.S. in violation of immigration laws since the 1990s. In 1994, USMS booked 8,604 individuals on immigration charges. By 2011 that number was 84,313, representing an 880 percent increase compared to a 39 percent increase for all other offenses.¹⁷

Since 2005, much of this growth was due to Operation Streamline,¹⁸ which requires that federal criminal charges be filed against every person crossing the border illegally, including first time offenders who previously would have faced administrative deportation proceedings instead.¹⁹ This policy largely affects individuals apprehended by U.S. Border Patrol,²⁰ but ICE and U.S. Attorneys' Offices can also decide to charge people with criminal offenses, rather than allowing the immigration courts to handle matters as a violation of administrative law.²¹

Individuals prosecuted as a consequence of Operation Streamline are held, like all other federal detainees facing criminal charges, by USMS. In addition, people being held short-term for criminal immigration violations often complete their sentences under USMS custody.²² Between 2005 and 2011, the number of USMS detainees booked on immigration charges increased 121 percent, compared to 81 percent during the six years prior.²³ The number of apprehensions made by the U.S. Border Patrol fell by nearly 250 percent during this period,²⁴ meaning that USMS' enlarged immigrant population was a result of increased criminal arrests and prosecutions rather than a rise in apprehensions.²⁵

ICE, USMS, AND THE PRIVATE PRISON INDUSTRY

Although ICE and USMS are very different agencies with very different histories, both helped private prison companies get their start. The Immigration and Naturalization Service (the predecessor of ICE) provided Wackenhut Corrections (which later became the GEO Group, Inc.) with its first contract in 1987,²⁶ and gave Corrections Corporation of America (CCA) its first “design, build and manage” contract in 1983.²⁷ This fueled the creation of private prison companies and laid the groundwork for large-scale prison privatization. It also paved the way for CCA and the GEO Group to become the two largest private prison companies in America.

Around the same time, USMS also began contracting with private companies for detention services.²⁸ This was an early instance of contractors holding adult criminal detainees, as privatization had until that time largely been limited to the “soft” end of the correctional continuum, including immigrant and juvenile detention.²⁹

GROWTH OF PRIVATELY-HELD DETAINEES

The number of privately-held ICE and USMS detainees grew at a faster rate than privately-held state or federal prisoners in the last decade. Between 2002 and 2010, a nine-year period for which data are available for these four groups, privately-held ICE and USMS detainees increased by 206 percent and 322 percent, respectively. In contrast there was respective growth of 28 percent and 67 percent in the number of state and federal prisoners held in private facilities. As a result, the combined population of privately-held ICE and USMS detainees nearly equaled the number of federal prisoners in private facilities in 2010.

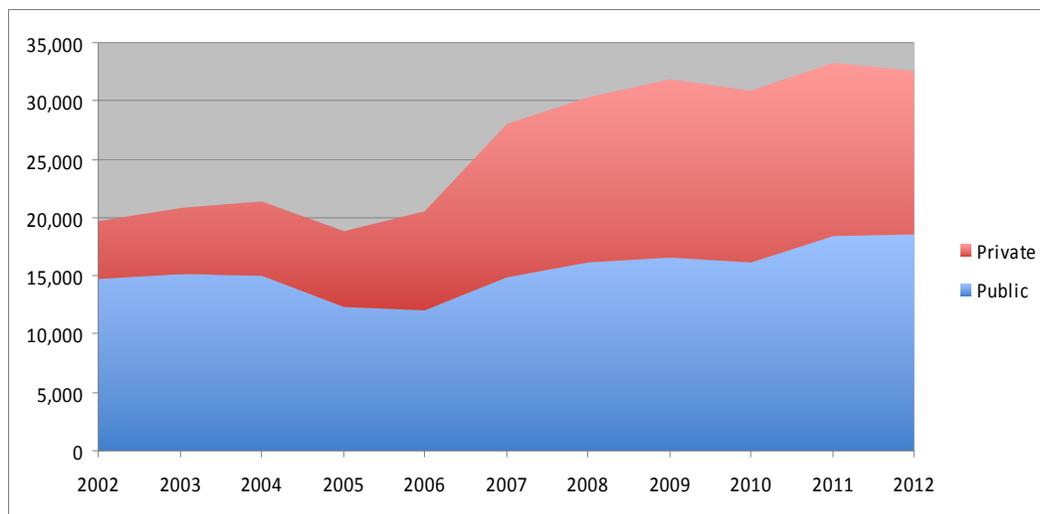
Prisoners and Detainees Held by Private Prison Companies^{30, 31, 32}

	2002	2010	Change (2002-2010)
Prisoners			
State Prisons	73,497	94,365	+28%
Federal Prisons	20,274	33,830	+67%
Detainees			
Immigration and Customs Enforcement	4,841	14,814	+206%
U.S. Marshals Service	4,061	17,154	+322%

ICE's Use of Privatization

Documents obtained from ICE by request trace the average daily population of its detainees since 2002, and show that a daily average of 18,627 immigrants were held in publicly operated facilities in January, 2012. This represents a 26 percent increase in the average daily population from 2002 to 2012. In contrast, the number of privately-held immigrants grew by 188 percent to 13,927 detainees during this time.

ICE Average Daily Population, 2002-2012³³



Forty-three percent of all immigrant detainees are being held privately in 2012, representing a slight decrease compared to 48 percent in 2009 and 2010. However, this is still a marked increase compared to 2002, when 25 percent of detainees were held by for-profit companies.³⁴ In addition, ICE seems prepared to primarily rely on private companies to address concerns raised by advocacy groups over the conditions under which immigrant detainees are held (see box below).

The growth in ICE's use of private detention helped buoy profits for prison companies faced with slowing growth in state prisoners, and contributed to the market's annual grosses of about \$5 billion.³⁵ In 2011, contracts with ICE accounted for 20 and 14 percent of revenue for CCA³⁶ and the GEO Group, respectively.³⁷

ICE will remain a lucrative target for private prison companies, as Congress increased funding for Detention and Removal by over \$184 million to \$2.75 billion for FY 2012.³⁸ This came in spite of a decrease in overall funding for the Department of Homeland Security and record low levels of illegal crossings on the U.S. Southwest border.³⁹

“Reforming” Through Privatization

Like prisoners, people held in detention centers are deprived of their liberty. However, they are not being detained as punishment for committing crimes, but to assure they appear at court proceedings. ICE has received severe criticism for holding immigrants in penal institutions, providing grossly inadequate medical care, abuses, and violations of human rights. As part of its reform efforts, ICE has begun to use new “civil detention” facilities, and hopes to ultimately utilize 4,622 new civil detention beds. These facilities will allow more unescorted movement, contact visitations, and improved recreational opportunities.⁴⁰

The majority of the active and planned facilities will be privately operated, including:

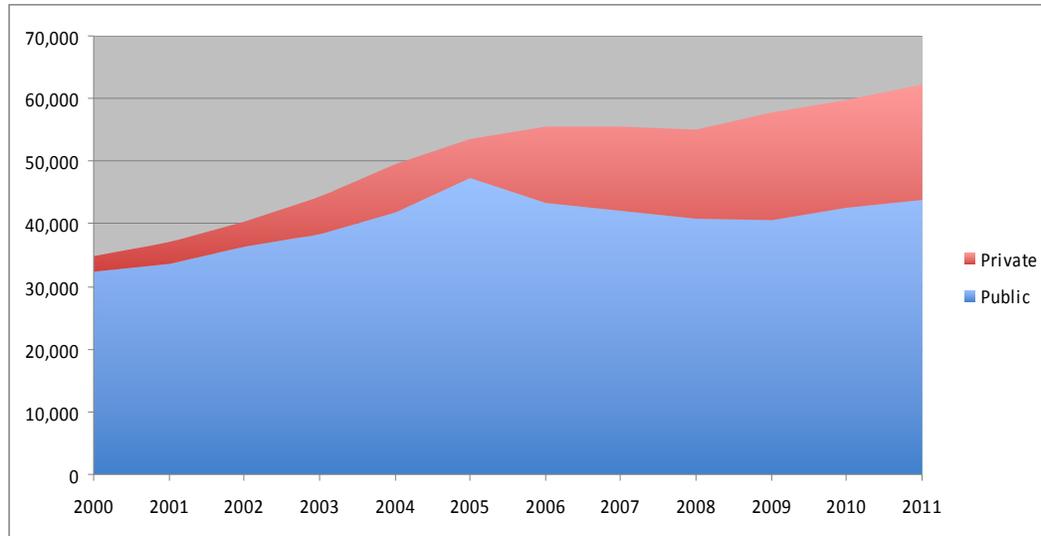
- The Adelanto Detention Center: A 1,300 bed facility operated by the GEO Group in Adelanto California.⁴¹
- Delaney Hall: Located in Newark, New Jersey, it holds 450 ICE detainees and is operated by Community Education Centers.⁴²
- Karnes County Civil Detention Center: A 608-bed GEO Group-operated facility opened in Karnes City, Texas in March of 2012.⁴³
- Crete, Illinois: A contract with CCA to build and operate a 788-bed facility faced stiff opposition by the community,⁴⁴ including the state senate voting to prohibit for-profit companies from operating detention centers.⁴⁵ In June 2012 the town’s trustees rejected the plan,⁴⁶ but ICE plans to find a new location for the facility.⁴⁷
- Southwest Ranches, Florida: ICE contracted with CCA to build a 1,500-bed facility. The plan resulted in CCA and the neighboring town of Pembroke Pines suing each other over its construction⁴⁸ and the Pembroke Pine city commissioners threatening to cut off services to the facility if it was completed.⁴⁹ ICE decided to cancel the planned facility in June 2012.⁵⁰

U.S. Marshals Service and Private Detention

Between 2000 and 2011 the total USMS detainee population increased 81 percent, with most of the expansion taking place in private facilities. During this period the

number of privately-held detainees increased by nearly 606 percent, while the number held in publicly-operated facilities grew by 32 percent. As a result, 30 percent of USMS' detainees were held by private companies in 2011, compared to seven percent in 2000.⁵¹

USMS Average Daily Population, 2000-2011⁵²



The increasing number of USMS detainees was accompanied by rising costs for the federal government. In 2011, USMS paid an average per diem of \$68.70 per detainee to state and local governments, while the average cost for USMS to directly contract with private prison companies was \$90.62. Intergovernmental agreement pass-throughs, in which USMS contracts with state or local governments that then subcontract with private companies, cost USMS an average per diem of \$54.37.⁵³

Many factors, including the health and security level of detainees and the location of facilities affect expenditures in ways that make comparing the cost of prisons and detention facilities complicated.⁵⁴ For example, one possible reason for the relatively low cost of USMS' intergovernmental agreement pass-through contracts could be that the facilities are located in areas with lower costs of living.⁵⁵

A TANGLED WEB OF FACILITIES⁵⁶

ICE and USMS detainees are held in an assortment of federal, state, local, and private facilities spread throughout the country. The private facilities are operated by many of the same companies that own and manage private prisons, and it is common for these facilities to house detainees for ICE and USMS alongside persons sentenced for criminal convictions. For example, the CCA-operated Torrance County Detention Facility in New Mexico currently houses USMS and ICE detainees, as well as inmates from several counties in New Mexico.⁵⁷

ICE Contract Facilities

ICE's Enforcement and Removal Operations (ERO) Detention Management Division lists 253 facilities that can hold detainees. The facilities have average daily detainee populations (ADP) ranging from zero to 1,695. Of these facilities, at least 46 are privately operated. Moreover, 62 percent of the 50 facilities with the largest detainee populations are privately operated, including eight of the top ten. In addition, 14 states contain at least one private and at least one public facility, and in over 70 percent of these cases it is a private facility that holds the largest number of ICE detainees.⁵⁸

ERO's list, however, was incomplete and represented one of several instances in which ICE proved to have issues with transparency and providing complete information. Part of the problem in obtaining a complete list of the facilities ICE uses to detain people stems from the number of facilities and the complexity of its contractual agreements. ICE holds individuals in its own facilities and also contracts directly with for-profit companies. ICE detainees are also held by other federal agencies, as well as by state and local governments through interagency agreements. In turn, some of these entities subcontract with private companies for detention beds.

ICE's method of classifying facilities adds to the difficulty in identifying where all of the agency's detainees are held. The most recent list of facilities provided by ICE in response to requests for information on its privately-operated facilities stated that it "does not include ERO Juvenile, Family, Residential, BOP, ORR [Office of Refugee Resettlement], Holding, Staging, or Other facilities."⁵⁹ Accordingly, this omits

facilities like the publicly-operated Berks Family Residential Center in Pennsylvania and the CCA-owned and operated T. Don Hutto Residential Center in Texas, which only houses adult women.⁶⁰ An ICE official stated that a Freedom of Information Request would need to be submitted to receive information on the facilities omitted from the list.

The last list ERO provided followed three similarly inconsistent and incomplete lists provided by ICE over a six-month period. While each list was an improvement over the previous, all three were missing facilities included on ICE's website⁶¹ and on the websites of private prison companies. Facilities omitted from the list were also identified by directly contacting facilities and asking whether they hold ICE detainees.

Individual ICE staffers were also sometimes unreliable or ill-informed sources of information, with some refusing to confirm whether facilities were operated by private companies. On one occasion an ICE employee reported that a facility did not exist, only to be contradicted by a representative from the contracted company.

ICE was also slow in responding to information requests when compared to USMS. For example, it took USMS only two days to compile a list of 2,000 plus facilities in which it can hold detainees, while ICE never provided a complete and accurate list of facilities even after months of requesting information and despite the fact that ICE uses substantially fewer facilities.

The companies that operate facilities housing detainees were also sometimes far from forthcoming about which facilities, if any, they operate for ICE. Detention Management Services, for example, repeatedly refused to comment on whether they manage any facilities other than the Irwin County Detention Center in Georgia. Similarly, a representative from another company confirmed the operation of one facility, but would not say where another of their detention centers was located. Instead, the individual provided clues and only confirmed the location after it was correctly guessed.

Based on information gathered from ICE, private prison companies, and individual prisons and facilities over a six-month period, our best estimation is that there are no less than 261 ICE-authorized facilities, with at least one facility in every state other than Connecticut, Delaware, Hawaii, Mississippi, and Rhode Island (Appendix A). A minimum of 48 of these facilities are privately managed, including facilities in Puerto Rico and Cuba operated by MVM, Inc.⁶²

ICE-Approved Public and Private Facility Characteristics⁶³

Facility Type	Number of Facilities	ADP Range ⁶⁴	Median ADP
Public	215	0 – 771	5
Private	48	0 – 1,695	342

Half of ICE’s private facilities are operated by CCA and the GEO Group, with CCA operating 13 and the GEO Group managing 11. Smaller companies, including Emerald Companies, Community Education Centers, LCS Corrections Services Inc., Management & Training Corporation, LaSalle Corrections, AKAL Security, MVM, Inc., and Asset Protection and Security SVC LP each operate two to four ICE-contracted facilities. Other companies, including Paladin Eastside Psychological Services, Ahtna Technical Services, Valley-Metro Barbosa Group, Detention Management LLC, and ICA-Farmville operate a single ICE-contracted facility.

USMS Contract Facilities

A list of active USMS facilities is available online through the Office of the Federal Detention Trustee (OFDT). It shows that USMS detainees are held in a collection of 767 federal, state, local, and private facilities spread over all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. However, like data received from ICE, this information is incomplete.⁶⁵

This is due partly to OFDT being reliant on USMS for data, which can lead to delays in updating information. OFDT’s reporting practices also cloud matters, such as when OFDT groups multiple nearby detention centers operated by the same company together under a single facility title.⁶⁶ Another contributing factor is the decentralized nature of intergovernmental agreement (IGA) pass-throughs, in which USMS contracts with state or local governments that then subcontract with private

companies. “Sometimes we don’t actually know who’s providing services,” said one federal detention official while discussing the complexities associated with IGA pass-throughs.⁶⁷

Directly contacting USMS resulted in a series of documents listing the active and inactive facilities with which USMS has contracts. In total, these documents show that USMS has contracts to hold detainees in over 2,500 different facilities, but that there were only 739 facilities actually holding detainees in June 2012.⁶⁸ Of these facilities, at least 48 are privately-operated, representing less than seven percent of the total active facilities. Private USMS-contracted facilities are located in 17 states, each of which also contains multiple active publicly-operated facilities. In the majority of instances it is a private facility that holds the largest number of USMS detainees in those states. Private facilities also make up 25 of the 50 facilities holding the most detainees nationwide, including six of the top ten.⁶⁹

Active USMS Approved Public and Private Facility Characteristics⁷⁰

Facility Type	Number of Facilities	ADP Range	Median ADP
Public	691	1 - 1,970	18
Private	48	2 - 6,119	303

More than half (52 percent) of the private facilities actively utilized by USMS are operated by CCA and the GEO Group, with CCA operating 15 facilities, and the GEO Group managing 10. Contracts with USMS accounted for 16 percent of CCA’s 2011 revenue,⁷¹ and 19 percent of the GEO Group’s.⁷² Community Education Centers has the third largest amount of USMS contracts with 8, while Emerald Companies, LCS Corrections Services Inc., LaSalle Corrections, and Management & Training Corporation manage between two and four facilities each. Valley-Metro Barbosa Group and Jail Solutions operate a single facility. Detention Management LLC operates at least one USMS detention center that also holds ICE detainees,⁷³ but the company repeatedly refused to state whether it operates any additional facilities.

THE FAILINGS OF PRIVATE PRISON COMPANIES

In the 1980s privatization offered a seemingly effective solution to the problem of rapidly rising inmate populations. However, multiple reports, including The Sentencing Project's *Too Good to be True: Private Prisons in America*, have found that private prison companies have failed to provide services comparable to publicly-operated prisons, have an incentive to promote policies that continue America's reliance on mass incarceration, and oftentimes fail to provide promised financial benefits through cost-savings and economic development. Although these findings were specific to private prisons, the private prison and private detention industries are dominated by the same companies, which often hold detainees and convicted inmates in the same facilities. More importantly, these companies operate off of the same business models employed in prison privatization that prioritize profits over service and safety.

Quality of Service

Studies have found serious problems with the services and security provided by private prison companies.^{74, 75, 76} In particular, the emphasis on cutting costs to ensure profits can lead to understaffing and employees with less training, lower pay and benefits,⁷⁷ and higher turnover rates.⁷⁸ This has made cases of violence, abuse, negligence, and substandard healthcare more common.⁷⁹

Similarly, there have been many accounts of abuses and substandard care in privately-operated detention centers including reports of detainees being sexually assaulted by staff members⁸⁰ and of detainees dying from substandard medical care. In one case detention officials even conspired to send the body of a man who died from lack of medical care back to Guinea in order to deter the man's widow from traveling to the U.S. and drawing attention to the death.⁸¹

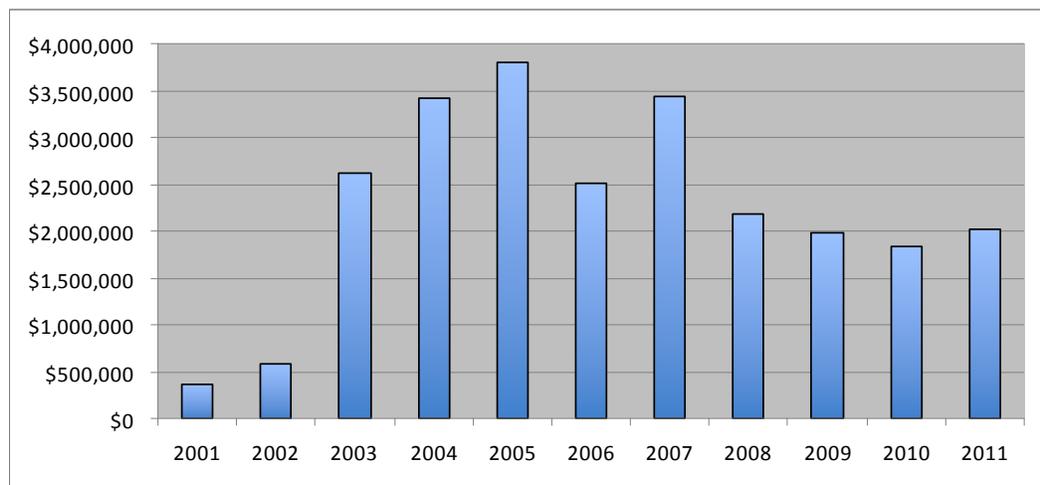
The American Civil Liberties Union of Georgia reported that private detention facilities in that state have committed multiple human rights abuses. These include coercing detainees into stipulating to charges resulting in them being deported without court hearings, verbally and physically abusing detainees, failing to provide sufficient legal aid and medical care, and forcing detainees to live in unhygienic conditions.⁸²

A 2010 report by the Inter-American Commission on Human Rights (IACHR) found that ICE failed to properly oversee local and state governments charged with providing detention services, which could lead to abuse and discrimination. In addition, the IACHR found itself “troubled by the frequent outsourcing of the management and personal care of immigration detainees to private contractors.”⁸³

Political Impact

Private prison companies’ profits rely on a large prison population,⁸⁴ which provides an incentive for private prison companies to lobby state and federal officials to ensure a rising prison population and expanding privatization contracts.⁸⁵ At a time when private prison companies are becoming further reliant on housing federal detainees, there is also a strong incentive to promote policies that keep high numbers of immigrants in detention. This focus on immigrant detainees is evidenced in the millions of dollars CCA has spent on federal lobbying, particularly following the creation of ICE in 2003.

CCA Federal Lobbying Expenditures, 2001-2011⁸⁶



In 2011, CCA employed 37 federal lobbyists split between four different lobbying firms and its own in-house lobbying team. CCA, and other private prison companies, have lobbied the Department of Justice, the U.S. Marshals Service, the Federal Bureau of Prisons, the Department of Homeland Security, Immigration and

Customs Enforcement, the Office of Management and Budget, the U.S. House and Senate, the Office of the Federal Detention Trustee, the Department of Labor, the Department of State, the Bureau of Indian Affairs, and the Administration for Children and Families.⁸⁷

Most often, lobbying disclosure forms show these efforts to be focused on appropriations for BOP, USMS, and ICE, with a specific emphasis on funding for contract facilities. CCA and the GEO Group's lobbyists have also been involved in immigration reform, as well as opposing efforts to have the Freedom of Information Act apply to private prison companies. Other lobbying disclosure forms reveal little more than that CCA spent tens of thousands of dollars lobbying on "issues related to the private prison industry" and "corrections initiatives."⁸⁸

Private prison companies have also been active in making contributions to state-level officials involved in introducing harsh immigration laws. The primary sponsor of Arizona's controversial SB1070, former State Senator Russell Pearce, received campaign contributions from the GEO Group⁸⁹ and Management & Training Corporation.⁹⁰ The Supreme Court invalidated portions of SB1070 that would make being in Arizona illegally a misdemeanor state crime, but let stand a section requiring law enforcement officers to attempt to determine an individual's immigration status during lawful stops, detention, arrest, or other "lawful contact" when there is reasonable suspicion that the individual is an illegal immigrant.⁹¹ Even its partial implementation will lead to more immigrant detention,⁹² as well as other problems.⁹³

In 2011, similar bills were passed in Utah and Georgia. In Utah, Management & Training Corporation contributed \$10,000 to Governor Gary Herbert, who signed HB 497 into law in 2011.⁹⁴ CCA contributed funds to five out of the eight sponsors of Georgia's version of the law, HB 87, as well as to two of the three sponsors of a bill that would require all jails in the state to comply with the Department of Homeland Security's Secure Communities Initiative. CCA also contributed \$5,000 to Georgia Governor Nathan Deal.⁹⁵

Financial Implications

Advocates for prison privatization often cite prison privatization's cost-saving benefits for governments and taxpayers. However, many of the more optimistic financial predictions for private prisons have been based on analyses that employed suspect methodologies.^{96, 97} These include overestimating the cost of publicly-run prisons⁹⁸ and failing to account for many private facilities only handling less expensive and lower risk individuals.⁹⁹

Numerous researchers have instead found that private prison companies cannot guarantee significant cost savings, and that any resultant savings tend to be minimal at best.¹⁰⁰ In 1996 the U.S. General Accounting Office (GAO) concluded that the cost comparisons it reviewed did “not offer substantial evidence that savings have occurred” through privatization,¹⁰¹ while a 2004 meta-analysis at the University of Utah found private contracting to be “questionable.”¹⁰² Other studies, including ones done by the states of Arizona and Michigan have found private facilities to be less cost-effective than publicly-run facilities.^{103, 104}

In addition, the construction of private prisons often fails to spur economic activity and growth for the communities housing them, and can instead cause financial havoc.¹⁰⁵ For example, Ocilla County, Georgia issued \$55 million in tax-exempt bonds to fund the expansion of the Ocilla County Detention Center in 2007. The facility would be owned by a company called Municipal Corrections and would eventually be operated by Detention Management Services. The County hoped that the project would create jobs and generate tax revenue by housing ICE detainees, but by 2012 little more than half of the 1,201 beds were filled. Municipal Corrections was forced into bankruptcy, the bonds were in default, and the county was owed \$1.6 million.¹⁰⁶

CONCLUSION

The well-documented shortcomings of private prison companies warrant a serious assessment of detention privatization, but the dramatic growth in ICE and USMS' use of private detention, particularly for housing immigration detainees, has not been met with the same breadth of inquiry. Little to no independent research is available on USMS detention, and ICE is at times unable or unwilling to provide complete and reliable information on its detainees and facilities. This lack of research and transparency makes it difficult, if not impossible, to fully understand the implications of ICE and USMS' use of private detention.

The companies with which ICE and USMS contract, including CCA and the GEO Group, are largely the same ones that have been criticized for their handling of prison operations. More importantly, these companies operate off of the same business models employed in prison privatization that have led to understaffing, negligence, and abuse.^{107, 108, 109} In addition to harming those housed in contract facilities, private prison companies fail to save taxpayers money, can have a deleterious financial effect on communities,¹¹⁰ and contribute to the continuation of America's use of mass incarceration and detention.^{111, 112} These private companies operate within complex and sometimes opaque systems where public and private officials cannot clearly answer questions and where the private companies managing federal detainees are not subject to Freedom of Information requests.¹¹³

There are few signs of a slowdown in ICE and USMS' commitment to contracting with for-profit companies. New facilities are slated to be built and the private prison industry is reaping the profits. Millions of dollars of these funds will be funneled back into the political system to promote policies to assure there will be large numbers of detainees to bolster companies' profits.

More transparency and comprehensive oversight is needed to know where, by whom, and under what conditions people are being detained, and who is profiting from privatized detention. Yet, that would not address the fact that private detention, and prison privatization as a whole, is built to fail. It operates off of a structure where individuals are treated as commodities, and where profit, rather than public safety, is the bottom line. This incentive structure may benefit the owners of

private companies, but it is not in the best interest of the detainees, the contracting agencies, or the general public.

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² Mason, C. (2012). *Too good to be true: Private prisons in America*. Washington, DC: The Sentencing Project. Retrieved May 15, 2012, from http://sentencingproject.org/doc/publications/inc_Too_Good_to_be_True.pdf

³ Sabol, W.J., West, H.C., & Cooper, M. (2009). *Prisoners in 2008*. Washington, DC: Bureau of Justice Statistics.

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⁴ Enforcement and Removal Operations, Detention Management Division. (2012). *ICE private detention facilities*. Received January 19, 2012 from Lindsey Cole, Outreach Coordinator, U.S. Immigration and Customs Enforcement; Office of the Federal Detention Trustee. (2012). *Average daily population*. Retrieved April 23, 2012 from <http://www.iustice.gov/ofdt/population.htm>

⁵ U.S. Department on Homeland Security, ICE. Overview. Retrieved April 23, 2012 from <http://www.ice.gov/about/overview/>

⁶ Epstein, R. & Acer, E. (2011). *Jails and jumpsuits: Transforming the U.S. immigration detention system – A two-year review*. Washington, DC and New York, NY: Human Rights First. Retrieved May 15, 2012, from <http://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF-Jails-and-Jumpsuits-report.pdf>

⁷ U.S. Immigration and Customs Enforcement. *Enforcement and Removal Operations*. Retrieved May 15, 2012, from <http://www.ice.gov/about/offices/enforcement-removal-operations/>

⁸ *Ibid*

⁹ Inter-American Commission on Human Rights. (2010). *Report on immigration in the United States: Detention and due process*. Retrieved May 15, 2012, from <http://www.oas.org/en/iachr/migrants/docs/pdf/Migrants2011.pdf>

¹⁰ Department of Homeland Security Office of Immigration Statistics. (2011). *Immigration enforcement actions: 2010*. Retrieved May 30, 2012 from <http://www.dhs.gov/xlibrary/assets/statistics/publications/enforcement-ar-2010.pdf>

¹¹ U.S. Marshals Service. *History – Broad range of authority*. Retrieved April 23, 2012 from http://www.usmarshals.gov/history/broad_range.htm

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